

And thus remembrance of the Lord's name shall be a comfort to the afflicted, and a rebuke to the oppressor.

# London's Liberty In Chains discovered.

AND,

Published by Lieutenant Colonel JOHN LILBURNE,  
prisoner in the Tower of London, Octob. 1646.

JER. 22. 15. 16. 17.

*Shalt thou reign, because thou clovest thy selfe in Cedar? Did not thy  
Father eat and drinke, and doe judgement and justice, and then it  
was well with him?  
He judged the cause of the poore and needy, then it was well with him:  
Was not this to know me, saith the Lord?  
But thine eyes and thine heart are not, but for thy covetousnesse, and for  
to shed innocent blood, and for oppression and violence to doe it.  
Therefore thus saith the Lord concerning Iehoiakim the sonne of Ioshab  
King of Iudah, They shall not lament for him, saying, Ah my bro-  
ther, or ah my sister: they shall not lament for him, Ah Lord, or ah  
his glory.*

**I**t is to be observed, That the illegall election of great  
Ministers and Officers for the administration and execution  
of Justice, and where the people have been and are depriv-  
ed of this their just right and liberty; there have ever all  
actions and practices of injustice and oppressions abounded:  
Freedome and Liberty being the onely Jewels in esteem with the  
Commonalty, as a thing most precious unto them, and meriting that  
men should expose themselves to all danger, for the preservation  
and defence thereof against all tyranny and oppression of what na-  
ture and condition soever.

For prevention therefore of these mischiefs and miseries (which  
through evil government of magistrates by their injustice and o-

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after oppressive practices) doe usually fall upon Kingdomes and Ci-  
ties. And therefore all free Cities in this Countrey which  
have ancient Liberties, and have made all Government and all policies were  
ordained: And forasmuch as that Government which is violent and  
forced, (not respecting the good of the common people, but onely  
the will of the commander) may be properly called *Tyranny*: (the  
people having in all well ordered and constituted Common-wealths,  
reserved to themselves the right and free election of the greatest Mi-  
nisters and Officers of State.) Now although the tyranny whereby  
a City or State oppresseth her people, may for the present seem to  
be more moderate then that of one man; yet in many things it is  
more intollerable: And it will clearly appeare, that the miseries  
wherewith a Tyrant loadeth his people, cannot bee so heavy as the  
burchens imposed by a cruell City.

Therefore all free Cities, lest their government should become  
a tyranny, and their Governours, through ambition and misgo-  
vernment, take liberty to oppress and inflave the people to their Lusts  
and wils; have in their first Constitutions provided, that all their Of-  
ficers and Magistrates should be elective *By Votes and Approbation*  
of the free people of each City; and no longer to continue then a  
yeare, (as the *Annually Consuls in Rome*.) By which moderation  
of Government, the people have still preserved their ancient Liberty,  
enjoyed peace, honour, and accord: and have thereby avoyded those  
calamities incident to people subjected to the Lawes and *Ar-  
bitrary Dominion of their insulting Lords and Magistrates* (or Ma-  
sters;) of all which this Honorable Citie, and Metropolis of this  
Kingdome, upon the first erecting of this Island into a Monarchy,  
or Kingdome, by their valiant, wilke and victorious Prince, *Alfred*,  
who first freed the Land from under the *Danish* yoke and slavery,  
under which it had a long time groaned; did with the approba-  
tion of their King, and States, then assembled in Parliament, for their  
well-being, and more peaceable good government, agree, and by a  
perpetuall law, ordaine, That all their Governours, and Magistrates,  
should be *Annually* and *Elective*, by the free votes of the free men of  
the Citie, *Town*, and *Parish*, called by the Names of *Barons*, and *Bur-  
gesses of London*, as appeares by their generall Charters of Con-  
firmation of their Liberties, by severall Princes (before and since the  
Conquest) although in protest of time, their Titles, and Names

of their Office, & charge, & power and right, which  
 still remains, and ought to continue in the body of Commonalty,  
 and not in any particular or select persons of any Company, or Bar-  
 therhood whatsoever. And for illustration, and more cleare mani-  
 festation hereof, I need none other Evidence, or Proofs, then the  
 Charter of King John, granted to the Citizens before the Incorpora-  
 tion of any Company: The first Company that was incorporate,  
 about the yeare of our Lord, 1327. being more then an hundred  
 yeares after the date and grant of the aforesaid Charter; which hath  
 been since by sundry Kings and Parliaments confirmed. Their Char-  
 ter I have here set down at large; which, compared with the Prote-  
 station, will make good your right, and justifie your claime to vote  
*In electing the Major of this Citie.*

## The Charter.

*Iohannes Dei gratia Rex Anglie, Dom. Hibernia, Dux Norman. A-  
 quitanie, & Comes, Anjou. Archiepisc. Episcop. Abbatis, Com.  
 Baron. Iustic. Vic. Praepositus, & omnibus Ballivis fidelib. suis. Salu-  
 tem, Sciatis nos concessisse, & presenti Charta nostra confirmasse Ba-  
 ronibus nostris de London, quod eligant sibi Majorem de seipsis singu-  
 lis annis, qui nobis sit fidelis, discretus & idoneus ad regimen Civi-  
 tatis: ita quod cum electus fuerit; nobis, vel Iustic. nostro, si presen-  
 tes non fuerimus, presentetur, & nobis furet fidelitatem: & quod  
 liceat eis ipsam in fine Anni amovere, & alium substituere si voluerint,  
 vel eundem retinere. Ita tamen quod nobis ostendatur idem vel Ius-  
 tic. nostr. si presentes non fuerimus. Concessimus etiam eisdem Ba-  
 ronibus nostris, & hac Charta nostra confirmavimus quod habeant bar-  
 onie & in pace quiete & integra omnes libertates suas quibus hactenus  
 ut sunt, tam in Civitate quam extra tam in terris quam aquis, &  
 omnibus aliis locis. Salva nobis Chamblengeria nostra. Quare vo-  
 lumus & firmiter precipimus quod predicti Barones nostri Civita-  
 tis nostre London eligant sibi Majorem singulis Annis de seipsis pre-  
 dicto modo: & quod omnes predictas Libertates, &c. bene & in pace ha-  
 beamus sicut predictis &c. Testibus, &c. Anno regni nostri sexto.*

**J**OHN by the grace of God, King  
 of England, Lord of Ireland, Duke of Normandy, Aquitaine, and  
 Earl of Anjou, To his Arch-Bishops, Bishops, Abbots, Earls,  
 Barons, Justices, Sheriffs, Stewards, and all his Bayliffs, and faith-  
 full Subjects greeting; Know ye, that We have granted, and by  
 this present *Charter*, have confirmed to our Barons of London, That  
 they may chuse to themselves every year a Ma<sup>r</sup>or of themselves, who  
 is faithfull to Us, being discreet and fit for government of the City.  
 So that when he shall be chosen, he be presented to Vs, or to Our  
 Justice, if We be not present, and swear to Us fidelity, and that it  
 may be lawfull for them at the end of the Year, to remove him, and  
 and appoint another, or retain him, if they please; yet so, as the  
 same be shewed to Us, or to Our Justice, if Wee bee not present.  
 Moreover. We have granted to Our said Barons, and by this Our  
 Charter have confirmed, that they may wel, and in peace quietly and  
 fully have and enjoy all the Liberties which hitherto they have used,  
 as well in the City as without in the Land as in the Waters, and in  
 all other places, saving to Us Our *Chamberiege*; Wherefore We  
 will and firmly command, that Our said Barons of Our City of  
 London, may yearly elect a Major of themselves, after the aforesaid  
 manner, and have and enjoy, well and in peace, wholly and fully, all  
 their said Liberties, with all things appertaining to the same afores-  
 said; Witnesse, &c. in the 16. Year of Our Reign.

Wherein is fit to be observed. 1. That all the Free-men of London  
 be all and every of them Barons, being so intituled and ordained by  
 the Kings Grant or Charter. 2. That every of them hath his free  
 Vote in the election of their Major. 3. That they have liberty to  
 chuse any Baron or Burgess from amongst themselves, without res-  
 triction or reference to any particular person or persons, or to any  
 other Fraternities of Aldermen, Common-Councill men, or any other  
 particular Gown or Livery-men only; so as he be faithfull, discreet,  
 and such as they judge fit to govern. 4. That no Major may con-  
 tinue in office above one year, without a new Election. 5. That  
 Aldermen were likewise eligible by the Commonalty, and but to  
 continue for the year, *Parv. 22. Edw. 2. No. 2. Cook 2. Part*  
*Instructions, fol. 253.* 6. Sheriffs are only eligible by the Barons.



or Burgesſes, of the City, as appeareth by the Charter of *Henry* the 3. made in the 11. Year of his Reign, confirmed after by *Henry* the 5. *Chartre de 2. Hen. 5. Part. 2. No. 11.* But of late yeares the Aldermen and Common-Councell of this City, by their power and policy, have invaded your rights and juſt priviledges; and contrary to the fundamental Law of the Land, & the antient cuſtoms of the City, moſt injuriouſly have betrayed the truſt reposed in them: ſpoiled you of your Liberties: taken upon them (of themſelves, with ſome ſeleſted Companies) without the free vote, the reſt of the Barons or free Burgesſes (the Commonalty) of this City, the ſole Power & Government of the City, changing and altering your Lawes and Cuſtomes at their pleaſure, and chuſing of Majors and Sheriſſes, ſuch, and whom they pleaſed, hindering and prohibiting all others (who ever had the like equall right and intereſt with them) to have their Votes in the choiſe and election of the Major and Sheriſſes. Whence have enſued many calamities and miſeries, even to the indangering of the utter overthrow and deſolation of this moſt famous and honourable City of *Enrope*, being wholly diſfranchiſed of thoſe liberties, and immunities, which even the meaneſt Burrough or Corporation in *England* now enjoyeth.

Hence, by their craft and policy, have ſo many Monopolies and Patents under pretext of publike good, been brought in, and ſet up to the ruining of thouſands, and great decay of Trade & Traffique, bringing in and countenancing of Arbitrary Lawes, and unlimited Power and Government, and whereby *Tyrannie, Injuſtice, and Oppreſſion*, have without controule been exerciſed and practiſed by theſe your late Governours and Rulers, as well as by thoſe your former Governours and Magiſtrates, not by the Commonalty.

Were not the Land-Money, Ship-money (and many other illegall Taxes and Impoſitions) with rigour and force exacted of you Citizens by theſe your illegall Governours? Were not many of you free Barons of this City (for reſuſing to pay thoſe exactions, and to part with your eſtates by ſuch illegall tyrannous courſes) impriſoned by theſe your Governours (thus illegally forced upon you without your own free Election?) Were not the cruell Edicts, and bloody tyrannous Decree of the *Star-Chamber, High Commiſſion, and Councell-Table*, withall readineſſe in a compulſive Torrent executed? Nay, to reckon up in particular, the ſeverall cruelties, exactions, oppreſſions,

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one, insolencies, violencies, and the illegall practises and proceedings of these your Magistrates, and their Inordinate Ministers; would require a particular Tractate, which I rather desire might be buried in Oblivion, by a timely restauration of you to your ancient and just freedoms in electing your own Officers. But if still you be denied Justice, and may not enjoy your due and accustomed priviledges; I shall be occasioned to remonstrate at large, and in particular, set forth your severall heavy burthens, harsh dealings, great grievances, and severall incroachments upon your Franchises: how, and by whom your Rights and Liberties have been invaded: and how you are enslaved, that were, and are (or at least of Right ought to be) free Burgeses and Barons, but now captivated to the Lawes, covetous Lusts, and the Arbitrarie unlimited power and dominion of your illegally imperious lording Magistrates.

Therefore, for the present, I will insift only upon the manner of the election of your now new Lord Major: The Narrative whereof will fully discover, how much the Barons of this City suffer, and that by their long forbearance, or rather neglect to own and claime their just priviledges and immunities ( if they stoutly stand not up ) and resolve to be no longer robbed and spoyled of their Birth-right and Inheritance; They are, and will be then in danger to be reduced into a condition worse then ever any of your Progenitors, were, under the *Barbarous Norman Bondage*. For indeed, you Citizens are but free-men in name, as intruth this your giving up your selves to the power and government of men, without your free and publike choice and approbation, demonstrates: and therefore (truly) you can be accounted none other then meer slaves to your thus elected Governours, as the rest of the whole Nation is become, unto Lawyers, Attornies, Clerks, Solicitors, and cruell Jaylors, and such instruments of contentions, by whom the peace and flourishing State of this Kingdome is quite devoured, and the people wholly enslaved to their wills; for truth hereof, I appeal to all the Inhabitants of every countie throughout this Kingdome, whose estates, parles, and persons, have for these many score of years groaned under the inhumane burden thereof; all which, is farther demonstrated unto us all, the Inhabitants of this Land, by the (still continued) frequent, unjust, and illegall Commitments of your fellow-Citizens, and all the free Commoners of *England* to the severall murdering-houses (stiled Prisons) in this Kingdome,

done,abounding in cruelty,murther, and oppression : being most wickedly and powerfully countenanced and supported by their Potent Adherents.

I have shewed you,how by right, the meanest Baron of this City of *London* (by their Charter) hath as good right to have his vote in the Election of the new Major, and other the subordinate Officers, as the Lord Major, or any Aldermen (for the time being) with their Golden Chaires. Notwithstanding, this undoubted Right be acknowledged ; yet is it denied to the people upon bare surmises, and vain pretences of danger, by tumults and disorder, if the same should be yielded unto, which in truth is, but a poor allegation, and frivolous excuse : The vanity and weaknesse whereof, must needs be apparent to any who is *impartiall*, and not carried aside with desire of Rule, through Ambition, and blinded with affection, or beastly belotted, and against Nature and Reason, loving Bondage more then Liberty. For what mischief (I pray you) do we find, or have we ever heard of in any Town, City, or Corporation, ( where the Citizens have, and enjoy this freedome) of any disorder or tumults that have grown thence?

Were not the Sheriffes (till now of late) ever chosen by the freeholders in full County ? & yet we find not that chusing to have bin complained of, but rather (only) by Prerogative Power taken away to defrauding the people of their free choice due & of right belonging unto them, by the great *Charter* of the Kingdom. And how are the Commons and Burgeses now assembled in that High Court of *Parliament*, elected ? Whether by the Sheriffe, and some few selected *Grandees* of each County, or by the Majority of voyces of all & every the Free-holders that will appear, & give their votes upon the day assigned by Proclamation, if our great Senators come in place, and be chosen by the generall and free voyce of all, and not of a few (like some) which hath been the right manner of Election from the first establishment of this Kingdome, and so hath continued to this day, being conceived to be the best forme of Government, and so hath been found to be by approved experience? For, did *Rome* ever so flourish, as when, not any thing was done but by the Senate and People there? But of this, expect a larger Discourse.

I pray you, whence have we fetched this new wisdom? Surely, not from above, but beneath; it being none other then Satanicall pride

pride in thus despising their fellowes, and free Commoners. For these can be of no other spirit but such as affect *Tyranny, Injustice, and Oppression*: And being thus, is it not then a lawlesse Dominion, and so, not of God, but of the Divell?

But let us now say somewhat of the election of the Maior upon the 29. of September, 1646. the day assigned for electing the Maior of London; at which time Mr *Wansie*, a Citizen and Baron of London, came to the Guild-Hall, London, the place appointed for electing the Lord Maior for the yeare ensuing, (the doore of the Hall being kept shut) the Marshal of London, who was with divers others, standing with staves, to keep the doore: But Mr. *Wansie*, with divers other Citizens of London, desired that they might have liberty to goe into the Hall; telling them, that they came with intent to passe their free votes in electing the new Lord Maior. But could not by any meanes obtain liberty to enter the Hall, (although by them earnestly desired) but were kept out forcibly with Halberts, Bills, and Staves, upon a speciall command of the now Lord Maior, *Thomas Adams*: Whereupon the said Citizens having framed a Protest, (which they intended to deliver in the open Court) the said Mr. *Wansie* having the said Protest in his hand, and reading it to the rest of the Citizens there present; the said Marshall thereupon with force, and much violence, laid hold on him (with the said protest in his hand) and dragged him into the Guild-Hall, and kept him there as a prisoner for the space of an houre, until the Lord Maior and Aldermen came from the Sermon: and then hee was brought before the Lord Maior, and Court of Aldermen; who there examined him strictly about the said Protest; demanding where he had it, and who delivered it to him. And then they all threatened him very violently, that they would send him to Newgate. But he answered, That he knew not the framer of it, nor him that delivered the said protest unto him: and then also affirming, that he and the rest of the Citizens, intended to have subscribed it, and then to have delivered it unto his Lordship, and the rest of the Court. But the said Protestation was derained from him. And he thereupon dismissed for the present, with ingagement by promise, that he would attend his Lordship the day following. But for more assurance, his Lordship sent an Officer for him (as for a Delinquent.) Upon whose appearing before the Lord Maior, the said

Mar-

said Marshall made a great complaint against the said M. *Wansie*, for saying that he would question him the said Marshall for abusing him, as aforesaid, being very earnest with his Lordship to have him committed. But the Lord Maior and some of the Aldermen for that time, dismissed and let him goe.

Thus you may see how imperious this Marshal is (being none other then a mere vassall or servant unto the Citizens of *London*) shewing and expressing his disaffection to all honest and good men, in the highest nature.

After the thus election of the Lord Maior, the Livery men departing, and the Court not risen, the Hall doore then being opened; the Lord Maior, *Thomas Adams*, gave command to the Constables and Halbert-men then standing at the doore, that they should take care that no Cloak-men should come in; fearing, as it is conceived, lest the Citizens should come in, and protest against that unjust and undue election of the new Lord Maior.

This briske relation, thus made unto you, may bee a sufficient discovery of the intentions and sinister ends of your great *Masters*, to continue you still under an enforced slavery and subjection, who esteeming you no other then as abjects, & as unworthy to have any thing to do in the choyce of your own *Officers*, withholding from you your *Charter of Liberties*, and *Franchises*, the more to blind you, and keep you in ignorance, that they may the better carry on their designs against you, for the continuance of your *thralldome*, and to hold your necks under their yoke.

The very relation of the bad usage of M. *Wansie*, with the manner of the election of the *Maior*, compared with your Claim of Right, and Protestation against the same; is sufficient to shew & plainly set forth the illegality thereof, to which you cannot submit, without betraying your own *Liberty*. Your *Protestation* being in my hand, I held it my duty no longer to conceal it: but for your common good to publish the same; hoping, that as you have freely fought for your *Liberties*, sworn to maintain your *Liberties*, and largely contributed to the State to enable them to protect you in your *Liberties*: so you will not sit still, and passe by this injury and indignity of those that would and doe make themselves Lords and Masters over you, by violence and wrong: But constantly adhere to your *Protestation*, continue the claime of your right, and with courage and resolution,

maintain and preserve your just and undeniable Liberties and Privileges, which are thus unjustly extorted; and kept from you by fraud and force, lest it be said in after ages; *These were the men, these were the Fathers that durst not, would not, own their Liberties and Rights: These were the men, who when a free Parliament were sitting, subjected them, and their Posterity to voluntary slavery.* If you neglect this opportunity, and advantage offered you, for the regaining of your Liberties, and recovery of your Birth-right (the Law;) the losse will be irrepayable, irrecoverable, bringing with it certain ruine, & unavoidable vassalage upon you, and your whole City; yea, though I am not a Citizen, yet no stranger, nor forreigner, but a free-man of England, who hath freely hazarded all, for the recovery of the common Liberty, and my Countries freedome; and it is no small griefe unto me; yea, it lyes more heavy upon me, then all other my troubles undergone, to see our *Nationall and Fundamentall Lawes, Rights, and Priviledges, thus trodden under foot, even by those, by whose endeavours we expected a restauration of the same.* Oh! the unexpressable misery, and besotted condition possessing this Nation; that we should be so regardlesse of our selves and Posterity, as thus in, and by cowardly silence, to betray our selves, and to beget Children, to live and remain (by our meanes) *Bond-men, and Bond-women; yea, Slaves.*

Look but upon your industrious Neighbour-Nation, the *Netherlands*, how for a long time, under faire and colourable pretences; (*As Conformity, and Religion,*) they were spoyled of their Lives, Liberties and Estates. But at the length, they discovered the cunning and crafty dealings and devises of the Bishops, and their Clergie, whom the Spaniard promoted, and used as his Instruments, by whom he intended to bring those Countries under the power of his Sovereignty, and cruell will. These your Neighbours were constrained to knit themselves together by Bond and Oath, to stand up for their common Liberties, and Countries safety, leaning every man (in matters of Religion) according to that common Principle, *Religio suscipienda non cogenda*, Religion may be perswaded, not forced; & the good successe they have had therein, and tranquility and security they thereby enjoy; may be great encouragement to us, not to despaire of the recovery of our Native, and just Freedoms, and by the like meanes to put an end to these our troubles, & unnatural oppressions,



pressions, if we will but tread in the same steps, each one labouring in his place to preserve the common Liberties and Lawes of the Kingdome, which makes us indeed true free-men, without seeking, or endeavouring to Lord it thus (as now we do) one over anothers faith; your Brethren, together with you, and all the Commons of England, have an equall interest, and property in the Law, being all of us free-born *English-men*.

Therefore look about you, and be no longer deluded to be by a meer shadow of greatness and flattery, fooled into slavery; But according to your *Protestation*, endeavour to preserve, or rather recover your lost Liberties, which under conformity, and other specious pretences and glosses, you have been long deprived of: Till when, expect not any Justice or Right to be done unto you: For, it is impossible, for those that have reduced you to this slavery, to degenerate so far from themselves, as to maintain or give you any assistance or countenance, in standing for liberty, untill they lay down their Offices and Functions, which they all this time have unjustly usurped, and intruded themselves into. I will forbear to insist further upon this matter for the present, being ready and willing, if any should presume to question the Citizens just rights, in the election of their Major; upon the perill of my head, and forfeiture of my life (if I be called thereunto, and may have a just and equall hearing) to prove and maintain, *That it is the just and due Right and Liberty, for any free Citixen and Baron to give his vote in the election of the Major, and Sheriffes, and other the publike Officers: the same being grounded upon the Law of God and Nations, and agreeable, as well with the Fundamental Lawes of this Kingdome, and Customes of this City, as by the Charter and Acts of Parliamint (yet unrepealed,) is confirmed.*

But one thing I cannot passe by (which may cause some scruples) which is this:

By the words ( *Barons of London* ) mentioned in King *John* his Charter, Whether, all, or but some speciall Citizens of note, are to be understood; to be the Electors of the Major and Sheriffes of *London*;

That all and every Citizen is there meant and implied; The very words of the Charter it self clearly manifest: For, the Liberties

there granted by the *Charter*, are to them all as *Barons*, and not otherwise, nor to any other particular persons of any Society : Yet the same may be farther cleared, thus; In that before the Conquest; all Free-holders of this Kingdome, (as well as in *Scotland*, are yet to this day) were called *Barons*; and therefore saith, *Lamb. fol 128.* and 136 *Court-Baron* is so called because amongst the Laws of King *Edward the Confessor*, it is said thus, *Barones vero qui suam habent Curiam de suis hominibus, &c.* Barons are those who have their Court for their Tenants or men. And this Jurisdiction hath every Freeholder, according to *Mirrou, C. 1. Sect. 3. & obsecun, free Tenant use jurisdiction ordinary* : every Freeholder hath this ordinary jurisdiction; and the name *Baron* in the eye of the Law hath relation to Free-holders, saith *Sr Edward Cook 1. Part, Institut. fol. 58.* and in very ancient Charters and Records, saith he, The Barons of *London*, and the Barons of the *Cinque-Ports*, doe signifie, the Free-men of *London*, and the Free-men of the *Cinque-Ports*, *Cook ibid.* All which, I desire may be taken into due consideration : which, as I writ the *Protestation*, so this I have published for the good of this famous City, and for the benefit of all the Barons thereof; and if you will own this your right, and not suffer your selves to be brought into voluntary servitude; I shall be encouraged to make a farther discovery of the Priviledges and just Rights, now unjustly detained, and holden from you.

*By the Contriver of the Citizens Protestation,  
here following.*



The



The Copy of the Protestation made by  
the Citizens of London, the 29. of  
Septemb. 1646.

*The right and claime of the Free-men Citizens, and Commonalty of the famous and most antient City of London, for their Votes in the election of their great and highest Officer, the Lord Major, &c. With their Protestation against the election of such, who shall be elected Majors, as illegall and destructive to the Liberties and Priviledges of this City, if in case the Commonalty, and Freemen thereof, or any of them, be denied, and not admitted to have their Votes in the Election.*

**W**Hereas this City hath had, and enjoyed before, and since the Conquest, many great and notable Franchises, Customs, and Priviledges, often and sundry times confirmed, as well by the Laws  
and

Porte Gra-  
ve, signifieth  
the Govern-  
ment, & safe  
Keeper of  
the City, or  
Town gates.

and Statutes made in the severall Parliaments, as by the severall Char-  
ters of the Kings and Queens of this Realme appeareth; amongst  
which, it hath been an ancient and laudable custome ( Time out of  
mind) for all, and every the Free-men and Citizens of *London*, in the  
annual elections of the Majors thereof, to have their votes, as for-  
merly they had, in the election of their *Porte Gravers*. In whose place  
and office, the Major succeeded; as appeareth by the Charter of  
King *John*, granted in the sixteenth year of his Raigne, where hee  
granteth to the Citizens, Liberty and Authority to chuse yearly a  
Major out of themselves, Cook the 4. Part, *Instit. fol. 253*. Printed  
by Authority of this present Parliament.

Which Custome, of Election of Majors, by majority of voyces  
of the Free-men and Commoners of the City, agreeth with the  
Fundamentall Law of this Kingdome, and the manner of election of  
Majors, in all other the Cities and Burroughs of this Realme as  
Coroners, were, and are chosen in full County, by the Free-holders  
of each County, *Inter leges Edward. Sanct. Chap. Lambert, folio*  
*136. Artic. super. Charta, chap. 8. & 10, &c.* The Major is Coro-  
ner within the City of *London*.

Now, forasmuch as we be Free-men, and Commoners, and Bur-  
gesses of this City, and so have right, and ought to have our Votes  
in the election of the Major; Do hereby claime, and demand, as our  
Right, Custome, and Priviledge, to vote in the election of this pre-  
sent Major to be chosen; and doe likewise hereby signifie, That for  
the same end wee are come hither, to give our free votes in elect-  
ing a Major for the ensuing year, if we may freely, without molesta-  
tion, disturbance, and interruption, doe the same, according to the  
Statute of *Westminster*, the 5. chap. the 9. of *Edward* the 2. 14.  
The words whereof are these;

*And for that Elections ought to be free; it is ordained, upon pain*  
*of great forfeiture, That no Noble man, or other, by force of Armes,*  
*neither through malice or menacies, shal hinder to make free Ele-*  
*ctions in Counties, Vniversities, Cities, Corporations, and other pla-*  
*ces, Cook 2. Part, Instit. fol. 169.*

And forasmuch, as all the due, just, and accustomed Priviledges,  
Franchises, Liberties, and Immunities of this City, are confirmed by  
this

this present Parliament, *The Petition of Right*, And *Magna Charta*, the great Charter of Liberties, where it is said, That the City of London shall have and enjoy all its antient Liberties, and Customes, *Mag. Chart. chap. 9.* and the 28. of *Edw. 1. E. 1.*

And although it may seeme, by reason of some undue elections of late yeares made, through usurpation of some few, who by power and menacies, hindering the free Elections, not suffering us the Free-men and Commoners to give our votes upon chusing and electing the Majors; to be a Barre, let, or hinderance to this our present voting; yet the same doth nothing at all prejudice our Rights, but rather aggravates the wrong done unto us: For there is a beneficiall Statute (yet unrepealed) made for the strengthening and preservation of our Liberties and Rights, which no other Corporation hath that we know of; Whereby it is enacted, That the Citizens of London, shall enjoy all their whole Liberties whatsoever, with this clause, *Licet usi vel abusi fuerunt*, Although they have not used or abused the same, and notwithstanding any Statute to the contrary, *Parl. Rot. R. 2. N. 37.*

Therefore, if we may not be admitted, being Free-men and Citizens of London, to enjoy our due and accustomed Priviledges and Liberties, to have and give our free votes in the election of the Major, we being by *Parliament* enjoyned, and by Oath and Protestation bound, to our uttermost power, to defend and preserve the lawfull Rights and Liberties of the People; Doe declare and protest against all such who shall any-wise hinder us, or any of us, in a free way, to vote in the electing of the said Major; as oppugners and violators of the Lawes and Liberties of the Kingdome, and destroyers of the Priviledges of this antient Metropolitan City, and shall by all lawfull wayes and meanes, labour to bring them to condigne punishment, for such their offences.

And wee doe hereby declare, and protest against the Major, so unduly and illegally elected, being chosen without our free Votes and consents, who have right, and are come hither to give in our  
free

free votes, if wee might have freely, peaceably, and without let or  
trouble done the same alwayes acknowledging our obedience,  
and shall bee ready, with all alacrity and cheerfulness  
to manifest the same, to our lawfull Magistracie  
duly elected, in all their just Commands.

LONDON.

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The





*A Postscript written by Lieutenant Colonell  
John Lilburn, Prisoner in the Tower  
of London, Octob. 1646.*

**T**H E omnipotent, glorious, and wise God, creating man for his own praise; made him more glorious then all the rest of his Creatures that he placed upon earth: creating him in his own Image, (which principally consisted in his reason and understanding) and made him Lord over the earth, and all the things therein contained, *Gen. 26, 27, 28, 29. and chap. 5. 1. and 9. 6. 1 Cor. 11. 7. Col. 3. 10;* But made him not Lord, or gave him dominion over the individuals of Mankind, no further then by free consent, or agreement, by giving up their power, each to other, for their better being; so that originally, he gave no Lordship, nor Sovereignty, to any of *Adams Posterity*, by Will, and Prerogative, to rule over his Brethren-Men, but ingraved by nature in the soule of Man, this goulden and everlasting principle, to doe to another, as he would have another to do to him; but man by his transgression, falling from his perfection of reason (that Image in which God created him, *Col. 3. 10.*) became tyrannicall, and beastly in his principles and actions; the effect of which, we see in *Caines* slaying of *Abel*; for which, he was accursed of God, and all things hee went about, *Gen. 4. 8, 10, 11, 12.* but God taking mercy of Mankind in some measure, and not executing the fulnesse of his wrath, in the 9. of *Gen.* to revenge that beastlinesse, bloody, revengfull, and devouring temper of Spirit, that, by the fall, had now entred into the Spirits of all

C

Man-

Mankind; institutes a perpetuall, morall, unchangeable, and everlasting Law; that is to say, *That whosoever he was, that would be so beastly, bearish, and Woolvisb, as to fall upon his neighbour, brother, or friend, and to do unto him that, which he would not be should do to him, by taking away his life and blood from him; God ordaines, and expressly saith he shall lose his life without mercy or compassion for so doing, vers. 5. 6* Yea, and afterwards, when he chuseth unto himself Israel, out of all the Nations of the world to be his peculiar people, *Levit. 19. 15, 16, 17, 18.* ordaines this for a standing Law amongst them; *Fee shall do no unrighteousnesse in judgment; thou shalt not respect the person of the poore, nor honour the person of the mighty; but in righteousness shalt thou judge thy Neighbour. Thou shalt not go up and down as a Tale-bearer amongst thy people; neither shalt thou stand against the blood of thy neighbour: I am the Lord. Thou shalt not hate thy Brother in thy heart: thou shalt in any wise rebuke thy neighbour, and not suffer sinne upon him. Thou shalt not avenge, nor bear any grudge against the Children of thy People; but thou shalt love thy Neighbour as thy selfe: I am the Lord*

And when the fulnesse of time was come, that Christ the Restorer and Repairer of mans losse and fall, should come and preach Righteousnesse & Justice to the world; *He saith, it is the Law, & the Prophets, that whatsoever we would that men should do to us, that we should do to them, Matth. 7. 12. Luke 6. 31.* Yea, and further saith, *That as it is the great Commandement, that we should love (our Sovereign Creator, and Preserver) the Lord our God with all our hearts, and all our soules, and with all our minds; so the second Commandement, which is like unto it, is, That we should love our neighbours as ourselves; and on these two, saith hee, hang all the Law and the Prophets: So that by this, it is cleerly evident, that Religion, Christianity, or the knowledge of Christ, doth not destroy morality, civility, justice, and right reason; but rather restores it to its first perfection, beauty, splendor, and glory: and therefore the Apostle exhorts Saints and Believers, Ephes. 4. 17, 18, 19, 20, 21, 22, 23, 24. Not to wale as other Gentiles do, in the vanity of their mind, having their understanding darkened, being alienated from the life of God, though the ignorance that is in them, because of the blindness of their heart. Who being past feeling, have given themselves over to lasciviousnesse, to work all uncleannesse with greedinesse. But (saith the Apottle to all that love*

love Christ,) *Ye have not so learned Christ: If so be ye have heard him, and have been taught by him, as the truth is in Jesus. That ye put off, concerning the former conversation, the old man; which is corrupt, according to the deceitfull lusts: And be renewed in the Spirit of your mind. And that ye put on that new man, which after God, is created in righteousness, and true holiness; and excellent to this purpose, is that of the Apostle, Col 3. 7. 8. where speaking of, and to those that have put off the old man, with his deeds; and have put on the new man, which (saith he) is renewed in knowledge, after the Image of him that created him.*

And therefore the same Apostle layeth down his exhortation at large, and declareth, it is not only the duty of the Saints, to doe good each unto other, but *as much as in them lyes, to doe good unto all the Sons of Adam; saying, Gal. 6. 10. as we have therefore opportunity, let us do good unto all men; especially, unto them, who are of the Household of Faith.* But the greatest good that I know of, that any man can do unto the Sons of Men besides the discovery of the knowledge of Christ, and the benefits and priviledges that are to be enjoyed by him, is, rationally to discover the privilege, that is, the Right, Due, and Propriety of all the Sons of Adam, as men: that so they may not live in beastlinesse, by devouring one another: and not onely so, but also to stand for, and maintain those Rights and Priviledges in any Kingdome, or Nation, wheresoever they are in any measure established: that so the trusted, made great and potent, by a power conferred upon them; may not there-with (as is too commonly seene) Lord it, domineer over, and destroy by their Prerogative-will and pleasure, the Betrusters: yea, and also to maintain the liberties and priviledges established in a Land, by Law, against the incroaching usurpations of some great and mighty *Nimrods* of the world, made so by wayes and meanes, more immediatly and properly flowing from the Divell, then God: and by their false-assumed incroaching power, tyrant-like tread under their feet, all just, and innocent persons: and protect, defend, and countenance none but those, that will comply, applaud, and assist them, in their brutish, woolvissh, and tyrant-like proceedings: which practises are contrary to the very end of Government, and Magistracy; as is largely declared by the Apostle, Rom. 13. 3. 4. where he plainly saith, *Rulers are not (no nor ought not to be) a terror to good Workes, but to the evil: wilt thou*

then not be afraid of the power? Do that which is good, and thou shalt have praise of the same. For he is the Minister of God to thee for good: But if thou do that which is evil, be afraid, for he beareth not the sword in vain; for he is the Minister of God, a Revenger to execute wrath upon him that doth evil, but not upon him that doth good. The knowledge of which, in some measure, in my own soule, hath been the true ground, that conscienciously made me out of duty to my selfe, and neighbours, and obedience to God; stand against, and oppose my self against the Bishops, and with resolution so often since, in the midst of many deaths; hazard my life for my liberties, and the lawes, liberties, and rights of all the people of this Land, & which is the only principle that now carries me on in opposition against the Lords: unto whom, as so many men, I have and must confesse, I am ten times more obliged, for my own particular, than to the house of Commons it self, having found at their hands several times cordiall and speedy Justice, which I never enjoyed from the House of Commons in my life; although I have waited upon them therefore, these six years, and followed them as close as any man (I thinke) in *England*: and I dare safely say it, without vain or lying boasting; for these nine or ten years together, I have been as serviceable to the Common-wealth of *England* in my place and condition, as any one man whatsoever that sits in that house; though I have been as ungratefully dealt with by them, as ever man in *England* was: yet I say, when the Lords forced me to contest with them, which I professe, I was as unwilling to do, as I was to run my head against the wall, the which I told unto one of themselves; yet I say, before I would have parted with my reason and understanding, and so have defaced, obliterated, and annihilated, as much as in me lay, the Image that God created me in, (and which Christ by communicating of himself to me, hath restored, confirmed, and enlarged) and degenerated into the habit of a beast, (which all slaves that live in the World without a rationall and just Law are in) by parting with, and betraying my native, naturall, just liberties, which the fundamentall lawes of this Land give me; I will part with my very heart-blood first; yea, and if I had a thousand lives, they should all go, before I will part with my just liberties, either to them, or any power on earth, what ever it be, that dare assume unto themselves so much tyranny, and satanicall pride, as to go about it, or endeavour it. And it

is this very principle that now engageth to write this *Postscript*, to beget a Contest with the Prerogative-men of *London*, *Englands* mighty *Nimrods*, who have enslaved not only this City, but beene strong Instruments from time to time, to doe the same to the whole Land. And the present ground of my putting pen to paper at present, ariseth from this ensuing: The day the last Lord Major was elected; It seems, *Major Wansie*, a *Watch-maker* in *Cornhill*, (a man that in these late wars, hath freely and gallantly adventured his life for the preservation of the present Parliament, and *Englands* Liberties) and some other free Citizens, commonly by the Prerogative-men of *London*, distinguished by the name of *Cloak-men*, intended to have claimed their right, to give their Vote in the election of the Lord Major, as by Law, and the Charters of *London*, every free-man thereof ought to do; as also, in both the Sherifes, &c. And, in case the prerogative-L. Major *Adams*, and the prerogative-Aldermen his Brethren, would not permit them; They then intended, to deliver in a Protest in writing; the Copy of which Protest within a day or two after, I saw and read, and not before: and understanding how basely Major *Wansie* was used by the Marshall of *London*, and of my Lord Majors prerogative-Maltives; and how that contrary to Law, Guild-Hall Gate was guarded with armed men, which rendered the election, in no sence to be free, as all elections of all publike Officers ought to be; and reading the Protest over, the reason of it, and the injustice offered to its well-willers; It inflamed my spirit with indignation, and set my very soule as it were all on fire: Insomuch, that I went immediately to old Mr. *Colet*, the Record-keeper of the Tower, and asked him, if hee had the originall Records of the Charters of *London*; and understanding he had them; out of my penury, I bestowed three or foure pound for the Copies of those that were most usefull for me; and also the Copy of *H. 5.* prerogative, and unbinding Proclamation: by vertue and authority of which, they have invaded the rights of all the free men of *London*, in divers particulars, and as much as in them lies, annihilated divers of the ancient and just Charters, and legall priviledges of this City confirmed by *Magna Charta*; and making further inquiry of a man versed in antiquity, I understood that there was an antient book in print, above 100. yeares agoe, containing many of the Liberties and Franchises of *London*; for which I sent into *Duck-lane*, and with some industry found it out, which

which is a most excellent book, which with the Records I sent to a true friend of mine, to get him to translate the Records into English, and all the Latine and French that is in that book, who sent unto me the fore-going Discourse; which in regard he was a stranger to London, he was unwilling to set his name to it, and I reading the Discourse, and liking it very well, judged my self bound in duty to my self, and all my fellow-Commoners, the *Cloak-men of London*, to publish it in print; and in regard, by Gods assistance, I intend shortly to publish and print the Records, with a Commentary in point of Law upon them; I judged it convenient hereby, by way of Post-script, to give you the understanding thereof; and also, to give you the reasons which moved me to resolve, to hazard no small adventure thereupon, which are these:

First, because the *Prerogative-Patentee monopolizing Merchant adventurers*, have contrary to Right, Law, and Justice, robbed me of my trade, whose illegall, arbitrary, destructive practises, to the liberties, freedom, and prosperity of England; I have in my answer to Mr. *VVill. Prym* (called *Innocencie and Truth justified*) punctually anatomized, as there you may reade from page 48. to page 63. Now, as *Paul* saith, *1 Tim. 5. 8. If any provide not for his own family, and specially for those of his own house, he hath denied the Faith, and is worse then an Infidell*; In which, to me is implied, that a man must not only be provident and industrious to keepe and preserve what hee hath, but also to maintain and defend his rights, liberties, and proprieties, that they be not invaded or taken from him: and this made honest *Naboth*, that he would not part with his Vineyard, his inheritance to wicked King *Ahab*, although he offered him very good tearmes for it, *1 Kings 21. 1, 2, 3.* much lesse should I part with my trade, to any illegall Monopoliser and every individuall Free-mans of London, &c. and that not only by the principles of nature and reason, but also by the Law of England, as is not onely proved by the fore-named Discourse, but also by another excellent Treatise, called, *Discourse for free Trade*, published about two years agoe by a Merchant of London.

Secondly, the readinesse of the *Prerogative-Magistrates of London*, to execute any illegall Commands upon the free-men thereof, and particularly upon my self; as for instance, when I was prisoner in Newgate, illegally committed by the house of Lords, that had no jurisdiction



jurisdiction over me in that case, and when upon the 22. of June last, by their Warrant, they commanded me to dance attendance at their Bar, for what cause they did not expresse: neither know I any Law extant that authorizeth them so to do. Which action, I looked upon, as a trampling the Lawes of the Land, and the Liberties of all the free Commons of *England*, under their feet; and therefore, for the prevention of further mischief, I writ this following Letter to Mr. *Woolaston*, the chiefe Jaylor of Newgate under the Sheriffes of *London*.

## S<sup>r</sup>R,

**I** This morning have seen a Warrant from the house of Lords, made yesterday, to command you to bring me this day at ten a clock before them, the Warrant expresseth no cause wherefore I should dance attendance before them; neither do I know any ground or reason wherefore I should, nor any Law that compels mee thetunto; for their Lordships sitting by vertue of Prerogative-patents, and not by election or common consent of the people, hath, as *Magna Charta* (and other good Lawes of the Land) tels me, nothing to do to try me, or any Commoner whatsoever in any criminall case, either for life, limb, liberty, or estate: but, contrary hereunto, as incrochers and usurpers upon my freedomes and liberties; they lately and illegally endeavoured to try me a Commoner at their Bar, for which I under my hand and seale, protested to their faces against them, as violent and illegal incrochers upon the rights and liberties of me, and all the Commons of *England* (a copy of which &c. I in Print herewith, & send you) and at their Bar I openly appealed to my competent, proper legall tryers, and Judges, the Commons of *England* assembled in Parliament (for which their Lordships did illegally, arbytrarily, and tyrannically, commit me to prison into your custody) unto whom divers dayes agoe I sent my appeale &c. which now remains in the hands of their Speaker, if it be not already read in their house, unto which I do, and will stand, and obey their commands.

Sir,

Sir, I am a free-man of England, and therefore I am not to be used as a slave or Vassall by the Lords, which they have already done, and would further doe. I also am a man of peace and quietness, and desire not to molest any, if I be not forced thereunto: therefore I desire you as you tender my good and your own; take this for an answer, that I cannot without turning traytor to my liberties; dance attendance to their Lordships Barre: being bound in conscience, duty, to God, my self, mine, and my Country; to oppose their incroachments to the death: which by the strength of God I am resolved to doe.

Sir, you may, or cause to be exercised upon me, some force or violence to pull and drag me out of my chamber, which I am resolved to maintain, as long as I can; before I will be compelled to go before them; and therefore I desire you, in a friendly way, to be wise and considerate before you do that, which it may be, you can never undo,

Sir, I am your true and faire conditioned  
 From my Cock-loft in the prisoner, if you will be so to me,  
 Presse-yard of New-  
 gate the 13. of June  
 1646.

JOHN LILBURN.

### *The Copy of the Order.*

Die Lunæ 22 Junij 1646.

**O**rdred by the Lords in Parliament assembled, that Lieutenant Colonel John Lilburn now a prisoner in Newgate, shall be brought before their Lordships [in the High Courts of Parliament] to morrow morning by ten of the clock: And this to be a sufficient War-rant in that behalf.

To the Gent. Usher of this House, or his Deputy, to be delivered to the Keeper of Newgate, or his Deputy.

John Brown Cler.  
 Parliamentorum.  
 Which

Which Letter I sent by my wife, and a friend ; but they not finding Mr. *Wollaston* within, I ordered them to carry it to Mr. *Kendrick*, and Mr. *Foot*, the Sheriffs of London his Masters, whom they found at *Guild Hall*, at the Court of Aldermen ; to whom they delivered the letter, with my Protest against the Lords, and appeale to to the House of Commons therein mentioned ; who (as they told me) carried it in to the Court of Aldermen : and, as they judged, there read them. But, in stead of any remedy, according to my just expectation ; I had my chamber wall immediatly after broke down by force, by *Ralph Brisco*, the Clerk of *Newgate*, and their Officer : &c a violent and forcible entry made into my chamber, and my person by force carried away before the Lords, who had no Legall, or Magisteriall power over me. I confesse, I was suddenly surprized, it being past ten a clock at night before I knew of it : and so could neither provide my telfe of victuals, or any defensive Armes ; the which if I had had, I would (to the death) have defended my selfe against all the Officers in London that had come to have fetched me out of my Chamber (my legall Castle) by vertue of that illegall Warrant, to carry me before the Lords, who had nothing to doe with me : especially cōsidering I had legally protested against them ; and legally appealed to the House of Commons, my proper and legall Judges ; who had accepted, read, and approved of my appeale, as just and legall : And therefore not onely that businesse, or proceeding of the Lords ; but all their after proceedings : yea, the sentence it selfe, in this very particular alone ; was, and is, illegall : For they ought not, neither (in law) had they any ground to meddle or make with me any further ; unlesse the House of Commons had judged my proceedings with the Lords, illegall, and had given mee up to them as my legall Judges to try me. And therefore the affront of the Lords (in point of right and priviledge) is as great to the House of Commons, in proceeding to judgement against mee without their leave, or so much as ever desiring it ; as their usurpations are destructive to me and my Liberties, and the Liberties of all the Cōmons of *England* : And opportunity they could not have had to have made me so fully as they did, the object or subject of their usurpation ; if it had not been that the prerogative-Sheriffs of London had been as full of prerogative-Principles, as the Lords themselves, and as desirous to destroy the Lawes and Liberties of *England*

*land*, as they ; for which I will never forgive them, till they have acknowledged their great wickednesse therein, and made me (according to Law and Justice ) ample reparations : which by Gods assistance I will with all the strength and might I have , uncestantly seek for.

But their malice and indignation to mee , for standing for the Lawes, Liberties, and Freedomes of *England*, ceased not here ; but when the Lords committed me, by their tyrannicall order, close prisoner to *Newgate*, to be lockt up close in my Chamber; These Arbitrary & tyrannicall Sheriffes, and their Officers executed it upon me to some purpose for 3 weeks together. For, contrary to all law and justice , they kept my wife from me, & would not so much as suffer her, or any of my friends, to set their feet over the threshold of my chamber doore : nor suffer my wife, servant, or any of my friends, to deliver either meat, drink, money, or any other necessities. And when I pressed the Jaylors to permit my wife to come into the prison yard, that so I might (in their presence) speak with her out of my chamber window ; they absolutely refused it, and told mee , I little knew what a strict charge was laid upon them to the contrary, by the great ones at *Guild-Hall*. And therefore my wife was forced to speak with me out of the window of a neighbouring house, at about fourty yards distance : whose cruelty and malice was so enraged, that they often threatned to boord and naile up the poore mans windows : Yea, *Brisco*, the Clerk came up into my chamber, and commanded me to forbear speaking to my wife, ( although it were at such a distance ) or else hee would boord up my windowes, and so deprive me not onely of seeing and speaking to my wife ; but also rob me of the greatest part of that little aire that I had coming in at my Casements. But I bid him doe his worst : for I would pull them down as fast as he naile them up ; or else if I could not, I would set fire to them, though it burnt the House down to the ground : And also I would speake to my wife in spite of his teeth, and all his great Masters ; unlesse they either sewed up my lips, or cut out my tongue. And then in a rage hee told me, Hee would carry me into *Newgate* it self, and lay mee in a close place, where I should spee<sup>e</sup> with none, nor see none. whereupon I desired him to cease his threatning of me; for I scorned him, and bid defiance to the malice of him and all the Men and Devils in earth and hell;

hell; having my confidence fixed in and upon that God that I knew would preserve and keep me, and who by his power was able to destroy him, and ten thousand such, in the twinkling of an eye; telling him, that to lock me up in such a place, was the ready way speedily to get me my liberty: For then all my friends and acquaintance would conclude, that the Lords had set his Masters and him on to murder me; (as the Earle of Northampton, and the Earle of Sommerfet, set Sir Gervis Elvis, the Lieutenant of the Tower, and Weston his servant, to murder Sir Thomas Overbury in his imprisonment in the Tower of London; for which act they were both deservedly and justly hanged) which might hazard, at the least, either the pulling down, or breaking open the prison; to see what was become of me: Therefore I wished him to be advised what he did; for I assured him, I would improve all the interest I had in the world to effect it. For, before I will be murdered, I would sell my life at as deare a rate as it was possible for me to sell it at. And at another time I turned him to the Parliaments Declaration, 2 N. 1642. *Book Declar. pag. 722. 723.* Where, speaking of the difference betwixt the King and themselves, in answer to something said by him about the interpretation of the Statute of 25. E. 3. that they would take away his power from him; they demand a question, How that doth appeare? And they answer, " Because we say it is treason to destroy the Kingdome of *England*, as well as the King of *England*; " and because we say, that the King of *England* hath not a power to " destroy the lawes and people of *England*. And what is that interpretation of that Statute, that no learned Lawyer will set his " hand to? That treason may be committed against the Kings " Authority, though not directed against his Person. Doe there want " (say they) presidents, or Book-cases to make this good? Or, is it " not, that they cannot see wood for trees, that look after presidents " to prove this, which at length is acknowledged in his Majesties " Proclamation of the 18. of *June*? Is it then that interpretation of " the Statute, that the raising of force in the maintenance of his " Majesties Authority, and of the Lawes, against those that would " destroy both it and them, is no treason, though such acts of traitors and rebels should be in pursuance of his Majesties personall " commands, and accompanied with his Presence? And have we " cited no presidents to this purpose? What are those then of *Alexander*

Alexander, Archbishop of Yorke, Robert de Uere, Duke of Ire-  
 land, and the rest in the time of Richard the second, which we cau-  
 sed to be published: whose levying of Forces against the authori-  
 ty of the Parliament, and to put to death divers principall members  
 of both Houses, by the Kings expresse command, which he promi-  
 sed to accompany with his presence; was by two Acts of Parlia-  
 ment judged Treason: And the Act of such levied forces to sup-  
 presse them, was judged good service to the Common-wealth.  
 These presidents are said to be grounded upon repealed Statutes:  
 and wee have indeed heard it said so twice; but wee never heard  
 the Statute that repealed them, cited once. And whether the Par-  
 liament of the eleventh of Richard the second, was a more forced  
 Parliament then that of the twenty first of Richard the second,  
 which repealed the Acts thereof: And whether that of the first  
 of Henry the fourth, which repealed that of the twenty first of Ri-  
 chard the second, and all the acts thereof, and revived that of the  
 eleventh of Richard the second, and all acts made therein; was e-  
 ver yet repealed: And consequently, whether those two acts of  
 the eleventh of Richard the second, and the first of Hen: the fourth,  
 doe not still stand in force; None that are acquainted with the  
 Records and History of that time, can deny, or so much as doubt.  
 But doe we need Presidents in this case? Is it not a known Rule  
 in Law, That the Kings illegall commands, though accompanied  
 with his presence, doe not excuse those that obey him? And how  
 then (say they) shall it excuse Rebels and Traytors? and  
 how shall it hinder the Kings Courts and Ministers to pro-  
 ceed against them judicially, if they submit; or by force, if they  
 make opposition with force? If the King might controll all the  
 Courts in Westminster Hall, and the High Court of Parliament it  
 selfe, and make it good by force; what were become of the known  
 legall government of this Kingdome? or what a Jewell had we  
 of the Law? or what benefit of being Governed according to Law;  
 if all Lawes might by force be overthrown, and by force might  
 not be upheld and maintained?

Now Mr. Briscoe, said I, if the Kings commands and power can-  
 not overthrow the Law; much lesse can the Lords commands, who  
 are farre inferiour in power unto him, their absolute earthly Creator  
 and Master, from whom they have derived all that they have; and  
 there-



therefore cannot be above him. For it is a maxime in Nature and Reason, *That there is no Being beyond the power of Being.* And another Maxime it is, *That every like begets its like*; but not more: And therefore impossible it is, that their power should be above the power of their begetter, or Improver, the King.

Again, Mr. *Brisco*, said I, if here, by the confession of the Lords themselves; (for they joyned in the making of this very Declaration) it be a known Rule in Law, *That the Kings illegall commands, though accompanied with his presence, doe not excuse those that obey him*; then much lesse are you, your Master *Wollaston*, nor his Masters, the *Sheriffes of London*, excusable, for executing the Lords illegall and barbarous Warrants and Orders upon me; which they doe not accompany with their presence to see put in execution. Therefore, Mr. *Brisco*, assure your selfe, that if I live, I will turn all the stones in England that possibly I can turne, but I will have justice, satisfaction, and reparations from you and all your masters, for executing the Lords illegall Orders and Commands upon me. At which hee told me, he and his Masters were Officers, and must execute the commands the Lords gave them, without the disputing the illegality of them. Wel then, said I, by the same Rule, if the Lords (who have no legall authority over me) send you a Warrant to hang, strangle, or stab me, or cut off my head in prison, although I have had no legall trial according to the Law of the Land; you will put it in execution: And as well, said I, may you doe that, as to doe to me as you have done: and besides I know no Ground they had to receive mee a prisoner upon the Lords Warrant, at all: especially considering according to *Magna Charta*, the *Petition of Right* &c. none of their Warrants of commitments of me, have either legall beginning, or legall conclusions. And excellent to this purpose are those Golden expressions of the most worthy Lawyer, Sir *Edward Cook* in his exposition of the 29. chap. of *Magna Charta*, in his 2. Part. *Instit. fol. 52.* Where expounding what is meant by *per legem terra*, that is, the law of the land, having spoken of divers things, he comes to speak of Commitments, and saith,

*Now seeing no man can be taken, arrested, attached, or imprisoned, but by due processe of law, and according to the law of the land; these conclusions hereupon doe follow.*

*First, that a Commitment by lawfull warrant, either in deed, or in law,*

law; is accounted in law due processe or proceeding of Law, and by the law of the land, as well as by processe by force of the Kings Writ.

Secondly, That he or they which doe commit them, have lawfull authority.

Thirdly, That his Warrant or *MITTIMUS* be lawfull, and that must be in Writing under his hand and seale.

Fourthly, The *CAUSE* must bee contained in the *WARRANT*, as for Treason, Felony, &c. or for suspicion of Treason, or Felony, &c. Otherwise if the *MITTIMUS* contain no cause at all, if the prisoner escape; it is no offence at all: Whereas if the *MITTIMUS* contained the cause; the escape were Treason or Felony: though he were not guilty of the offence. And therefore for the Kings benefit, and that the prisoner may bee the more safely kept; the *MITTIMUS* ought to contain the cause.

Fifthly, the Warrant, or *MITTIMUS* containing a lawfull *CAUSE*, ought to have a lawfull *CONCLUSION*, *Viz.* and him safely to keep, untill he be delivered by Law, &c. and not untill the party committing doth further order. And this doth evidently appeare by the Writs of Habeas Corpus, both in the Kings Bench, and Common Pleas, Exchequer, and Chancery, which there Hecites.

But, Mr. Briscoe, I am a legall man of England, who in all my actions have declared a conformity to the lawes thereof, and have as freely adventured my life for the preservation of them, as any Lord in the Land; whatsoever he be, hath done. And besides, I have to doe with those very *LORDS* that have stiled themselves, The Conservators of the Lawes and Liberties of England; and wish in their printed Declarations, the plague and vengeance of heaven to fall upon them, when they endeavour the destruction and subversion thereof. And therefore I expect in every particular to be dealt with according to Law (my inheritance, and the inheritance of all the free Commoners of England) and not otherwise; and my life and blood I will venture against that man, what-ever he bee, that shall attempt the contrary upon me: for the Free-born men of England (yea the meanest of them) can neither by the command of the King, nor by his Commission, nor Conuocell, nor the Lord of a Villain can, or could imprison, arrest, or attach any man, without due processe of Law, or by legall judgement of his equals, *viz.* *MEN OF HIS OWN CONDITION*, or the Law of the Land, against the forme of

*our defensive great Charter of Liberty.* Nay, in old time a Pagan or an Heathen could not be unjustly imprisoned, or attached, or arrested, without due proceſſe of Law, as appears by the *Laws of King Alfred, Chap. 31.* and conſonant to this doctrine, and that fore-mentioned in the Parliaments Declaration; is the judgment of Sir *Edward Cook* in the 186, 187. pages of the 2. part of his *Inſtitut.* and which was ſo reſolved for Law, as hee there declares 16. *H. 6.* and yet notwithstanding all the diſcourſe I had with *Briſcoe*, the Sheriſſes Clerk of Newgate, about 9 a clock at night; the Sheriſſes the next morning ſent 30. or 40. of their Varlets that wait upon the Theeves and Rogues, and the Hang-man to Tyburn, to carry me by force, *volens, volens*, to the Lords Bar (*thoſe Vſurpers and Inrochers*) to receive my moſt illegall, unjuſt, barbarous, and tyrannicall ſentence.

My third reaſon is, becauſe I have not only been ſo evilly and unjuſtly dealt with this year by the *Sheriſſes of London*; but alſo the laſt year by the *Lord Major of London, Alderman Atkins, and Mr. Glyn Recorder thereof*, when I was committed to Newgate by the *House of Commons*; for what, to this day, I doe not yet know: yet Mr. *Glyn* ſo thiſted after my blood, that as I was from very good hands credibly informed, he was a main ſtickler to get an Order to paſſe that Houſe, *to have me tryed at the Sessions of Newgate for my life*; ſaying (as I am told) in the houſe, to ſome members thereof, *turn him over to me and I will hamper him to the purpoſe*: of which, when I heard; it was not for me to ſit ſtill; and therefore, I got publiſhed certain Quere's to ſtate my caſe, in one ſide of a ſheet of paper: the ſubſtance of which, you may read in a printed Book called *Englands Birth-right*. And what was the iſſue of that buſineſſe, you may fully and truly read in my fore-mentioned answer to Mr. *Pryn*s notorious lyes, falſhoods, and calumnies; eſpecially, in pag. 28, 29, 30, 31, 32, 33, 34. to which, I refer the Reader.

And then ſecondly, there was a falſe, and baſe report raiſed, ſpread, and divulged by Mr. *Pryn*, and ſome other of my bitter Preſbyterian Adverſaries (*thoſe bloody cozen-Germans to the perſecuting Biſhops*) meerly to maké me and my friends odious to the people: that ſo inſtead of enjoying a legall tryall, and the benefit of the Law, *our common Inheritance*; we might by the rude multitude, be either ſtoned to death, or pulled in peeces: which report was, *that I had conſpired,*

spired with other Separates & Anabaptists to root out the Members of this Parliament by degrees, beginning with Mr. Speaker; whom if we could cut off, (as Pryn saith it in print, in his book, called, *The Liar confounded*) all the rest would follow: and if this succeeded not, then, to suppress & cut off this Parliament by force of Arms, & set up a new Parliament of our own choice & faction; my answer to which abominable false charge, you may read in my fore-mentioned answer to him, page 35. And there running divers of his Authentical witnesses and Creatures (little better then Knights of the Post) up and down London; and at last, one or more of them came into *Houndsditch*, to one Mr. Rogers, &c. to insnare him, and told him of the plot; but he like a wise man, apprehended him by a Constable, and carryed him before the then Lord Major, who dealt neither faire, honestly, nor justly with me, nor them; no, nor with the Kingdome, &c. But in regard it may at a distance, touch upon some present Member or Members of the House of Commons, with whom, I do ingeniously confesse, I have no desire at all to contest; I cease it: though it was as mischievous a plot against me, as ever in my life was contrived against mee, and which had, come out to the bottome, if my Lord Major had been as just and honest, as a righteous Judge ought to be, and had not been so full of *prerogative-principles*, as to feare Man, more then God.

My fourth reason, is, because I have not only been robbed of my trade, by the monopolizing Merchant-Adventurers; and so evilly, hardly, and unjustly dealt with, by the late Lord Major, the two Sheriffes, and the Taylors of Newgate, all Mr. Records pride and malice, all prerogative Officers in London; but also, have been so evilly, illegally, and unjustly dealt with all, by, Col. Francis West, the present Lieutenant of the Tower (thereunto appointed by the principall prerogative-men of London,) which you may briefly reade in a late published book of a friend of mine, called, *Liberty vindicated against Slavery*; and which I shall, by the help of God, fully lay open in due time; and also, in regard of that late abuse, given unto my wife at *Westminster*, at the very Parliament door, when she was peaceably wayting there with eight Gentewomen more of her friends, for an Answer to her late Petition, and for Justice from the house, about my illegall sufferings, which it is their duty to hold out to her, and all others whatsoever, that have just cause to seek it from them; where came unto her one

one *Richard Vaughan*, Ensign to the Guard that day, and a Citizen of London, being a Goldsmith in *Foster-lane*; who, after he had set his Guard at the doore, that goes into the Roome next to the House of Commons: my wife, with other of her friends, standing in a peaceable manner at the bottome of those staires; hee came, and enquired of them which was *Lilburns wife*; at which my wife answered, *she was she*; upon which he wished, I had been out of the Land when I first went out in the Parliaments service; and without any more adoe, laid violent hands upon her, and endeavoured to throw her down the next staires, which are three or four steps, that goe down into the Court of Requests, and had gone neer to have spoyled and undone her, if some of her friends by her, had not preserved her from the fall. but being not content with this, he followed her into the Court of Requests-chamber, and then again laid violent hands upon her, and took her by the throat, as if he would have throttled her, and would have drag'd her away as a prisoner, calling out to his armed men to help him: a piece of unmanlike cruelty and barbarism, which will be in future ages, a badge of shame to the sufferers of it; to go unpunished, and which renders him to be one of the malicious, basest, unworthiest, and cowardliest of men, to use a Gentlewoman in such a barbarous manner, that neither affronted, nor medled, nor made with him, and which makes me judge him to be a fellow more fitter to feed hogs and Swine, then to be named a Soldier, or ranked amongst the number of martiall men: but yet notwithstanding, it gives me cause to thinke, and judge, that some of my prerogative-adversaries either in the City, or else-where, set him on of purpose, at last, to abuse and affront my wife; that so, she should never dare any more to come thither to seek for justice, at the hands of those who have sworn to hand it over impartially to every legall man & woman of *England*. The comparing of which, with what I have but very lately heard, puts my thoughts into a deep and serious muse: the late relation of which, as it is told me, is thus; That day my wife delivered her Petition in print to the Members of the House of Commons, *there was a Barrister at Law in the Lords House* (it seemes before they sat) *reading my Wifes Petition, and there came a Lord to him, and said unto him in a familiar manner, What art thou reading?* unto which; he answered, *the Petition of Lieut Col. Lilburns wife to the House of Commons*: Unto which that Lor. said, *the Plague on him*

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him for a Rogue; how are we troubled with him? but if the Lords would be ruled by me, and be all of my mind; we would dispatch him, and stretch him up without any more ado: But truly, my Lord, I must tell you, you have no Law to do it, I am sure of it; and therefore in reference to that, I challenge you, and your whole House, to a tryall of Law, for all the differences betwixt us, begin when you please: and your Lordship knowes very well, that when I was last at your Bar, I challenged you all face to face to a tryall at Law: But, my Lord, seeing I find and meet with such ready Instruments, amongst the prerogative-men of London, my unnaturall fellow-Citizens, to put in execution, without dispute, feare, or check of Conscience; (all your unjust Commands) I have some cause to be jealous, that I may meet with Sir Thomas Overburies portion, to be murdered in prison, there being a very near parallell betwixt divers of his usages and mine, as appears to me, by the printed relation thereof, made by the Right Honourable Foulke, Lord Brooke, and printed at London for N. R. 1643.

And therefore, for all these reasons laid together, I am resolved, both in point of conscience, prudence, and safety, to sit no longer in silence; but to give to you Lords, and your Kinmen, the prerogative men of London (by some of whom, I have suffered so much of late, & have just cause to fear, that they will be your arbitrary and illegall Instruments, to make me yet suffer much more) a joynt and home-charge both together; and this I send you forth, as a forlorn Hope: the body of which (do all of you the worst you can) by the strength of God, shall follow after; although you should tie, and fetter both my hands and feet, and set twenty Warders upon me, to keepe mee from Pen and Ink: for I am now resolved, by the power of the Almighty, to sell my life to you my conjoynt adversaries and enemies, as dear (if it be possible) as ever Sampson did his to the Philistines: of whom it is said, he did them more mischief at his death, then he did them in all his life, Judg. 16. and good reason have I so to do, in point of conscience; both in the sight of God and all rational men, that are not distempered with the principles of prudential cowardlinesse; and that I prove thus:

If to do to another, as we would have another to doe to us, be a principle, so accept: able to God, and all good men, and an unalterable Law established by God, before Moses Law, and under his Law; and also

also established by Christ, the just and righteous Prince of peace, under the Gospe; as the most transcendent excellentest Law, that can be amongst the sons of men, and which purely flowes, from the pure fountaine of reason: then from the same pure principle of reason and Justice; I deduct this which naturally ariseth from the lesse to the greater;

*That which in point of conscience is unlawfull for me to do to another, is much more in point of conscience, unlawfull to do unto my selfe:*

But, to do evill unto another, to mischief, rob, spoyle, kill, or any way destroy another, in point of conscience, is unlawfull;

And therefore, in point of conscience, it is much more unlawfull for me to do any evill unto my selfe, or to mischief, rob, spoyle, kill, or any way destroy my selfe.

And the reason of all is, *because in my self, is nature nearer to my self then all the world besides.* And again, if by the Command of God, and the instinct of nature; I must as much as much as in me lyes, do good to all men: then by the same strength of reason, *must I much more do good unto my selfe.* And therefore for me to know of, and see mischief before my eyes intended me, and to be so stupid and sottish, as not to take care, by all just and rationall means to prevent it; is to be felonious to my selfe, and to do that unto my selfe, which I should not do unto another, no, nor suffer to be done unto another: But my adversaries have taken from me, my liberty, (and tormented and tortured my body with cruel and close imprisonment) and spoyled me of my trade and livelihood, and disfranchised me without cause or ground, by robbing me of my right and benefit in the lawes and liberties of England (more deare to me then any earthly treasure whatsoever) and thereby as much as in them lyes, have made a slave and a beast of me, and so changed the property that God created me in: and now thirst after my life and blood, which is all they have left me. To preserve which (finding no remedy at the hands of Justice (by the powerfull operation of some prerogative-men there, the names and qualities of whom you shall shortly knowe) to whom I have appealed; I send my adversaries this bone to pick, as a speciall meanes (appearing to my understanding) to breake their cruel fangs, and devouring



ing tasks: and the mighty and omnipotent power of the Lord *J E-HOY A H*, goe along with it, and make it effectfull for the accomplishing that end. And I hope no rationall man will blame me for doing herof, seeing as *Iob* saith, *eye for eye, tooth for tooth, and all that a man hath will he give, (or venture) for his life.* And so much for the particular reasons concerning my selfe, which moved me to write this:

I will onely give you two more, which are more generall; and then conclude.

And the first is, because the greatest bondage of this land ariseth from the monopolizing patencie-Clergy, who have been and still are the men that as *Iohn* in his *Rev.* (Chap. 7.) saith, should the four winds of the earth, that the winds thereof should not blow upon the earth. And though in *Pauls* time, some preached the Gospel of envy, and others of good will; yet he forbids none to preach it; but rejoiceth that it was preached by any, whether in pretence or truth, yea, and thereat would rejoyce, *Phil. 1. 15. 16. 17. 18.* But these Clergy-men, like to many of the Devils Agents, whose Kingdome is a Kingdome of darkness; set themselves on purpose to overspread the earth, with blindness and darkness, and so by consequence; with injustice, cruelty, and blood-shed: and rather then any, though never so able, should preach Christ and his Gospel, that will not receive power; therefore, from them, by their mouldy, greazy consecration and imposition of hands; thousands, and ten thousands of soules shall perish for want of knowledge, and so run headlong to hell eternally: yea, men that will not be conformable unto them, and be absolutely of their cur, and fashion; though never so extraordinarily adorned with the knowledge of Christ, and of his will and minde; shall neither eat, and drinke, buy, nor sell amongst them, no nor live, nor have a habitation amongst them in the land of their nativity: winde that most **DIVELISH, WICKED, BLOODY, VNCHRISTIAN, PAPISTICALL REMONSTRANCE** of the prerogative-men of London, &c. who amongst many other base and wicked desires, would have us reduced back to the Pope of Rome againe, so believe as the Church believes; for they would have us be conformable in Church Government, &c. not onely to what is already established, but what ever shall be established,

*blissed*: and to speake properly, this very Remonstrance is but one of their brats, which with other of their actions, doth demonstrate them cleerly to be part of that Antichristian beastly power, spoken of *Rev. 13. 11, 12, 13, 14, 15, 16, 17.* And what Doctor *Leighton* in his booke called *Syons Plea*, pag. 69. saith of the prelates in reference to the popish Bishop; may we say of the present Clergy in reference to the Bishops, whose office and function they have condemned for Antichristian, viz. *that they are garments cut out of the very same cloth, a paire of sleeves (as we say) Worn bus betweene them, onely divers hands have cut them out.* And to me it is the greatest riddle in the world, how the Bishops can be Antichristian as themselves say, and themselves Christs Ministers, although they have no other ordination but what is derived from them, seeing as nature tells me, *every like begets its like*: and reason also tells me; *that there is no being, beyond the power of being*: and the Scripture saith, without all contradiction, the lesse is blessed of the greater, *Heb. 7. 7.* but no where saith, the better or greater is blessed of the lesse: and *James* demands a question which in reason, and the ordinary course of nature is impossible to be, saying, *James 3. 11. doth a fountaine send forth at the same place, sweet water and bitter?* and *Job* demands to know who he is, *that can bring a cleane thing out of an uncleane?* and answereth not one.

Now these Clergy-men demonstrating by all their actions, that they are the naturall and true-bred children of their bloody fathers the Prelates, if not worse then they; for all their faire speeches and glosing pretences to the contrary: therefore we may safely averr, that proposition to be true of them, that Doctor *Leighton* in the foresaid booke, pag. 51. averrs and proves to be true of their spirituall forefathers, viz. that of all the evils inflicted; and of all the good hindered, since Anno. 606; one or more of the hierarchy, have been a principall cause. And I add and averr, that there is no misery befallen this Kingdome, nor no good hindered from coming to it, since the Prelates were put downe; but some of the present Clergy have been the maine principall in it, witness their continuall and daily dividing and distracting the Kingdome in all the parts of it, on set purpose for the establishing that divillish and tyrannicall interest of pride, Lord-

ship, and Domination, which they will effect, or else they will lay it in blood and force. Witnesse their bloody intended Ordinance, brought in by Mr. *Tate*, and Mr. *Bacon*. And have they not already almost brought us to the doore of a new warre with the *Sons*; which, God prevent. But, if for a plague to us it should come upon us; I hope the people of *England* will have their eyes opened to see the Clergy to be no small causes of it, whom I hope they will not let passe without due punishment, as grand disturbers of the peace of this distressed Common-wealth: Seeing that the temporall and trade-Monopolizers, and other prerogative-men in *London*, are their stalking-horses, by which they act their designs the more strongly: the one helping the other to inflave the people, and therefore are and may justly be called *Simeon* and *Levi*, brethren in evill, and wickednesse, whose tyrannicall mystery wants an Anatomy, the beginning of which; this is.

The last reason why I publish this, is, because that although the fundamentall Lawes of *England*, be rationall and just lawes, and so pleasant and delightfome to the people: these Prerogative-Monopolizing Patentee-men of *London*, have done as much as in them lies, to pervert them, and to turn them into Wormwood and Gall: And though they be the common birth-right and inheritance of every particular individuall freeman of *England*; yea, of the meanest Cobler and Tinker, as well as of the greatest Gentleman or Nobleman. And therefore justly doth the King call the Law, *The Birth-right of every subject of this Kingdome. Book Declar. 312.* and in pag. 328. he saith, *The Law is the common inheritance of his people.* And in pag. 385. he calls the Law, *The common Birth-right of his Subjects*; to which onely, they owe all they have besides: And therefore are bound in the defence of it, to bee made *MARTYRS* for it. And in pag. 28. he saith, *The Law is not onely the inheritance of every subject, but also the onely security he hath for his life, liberty, or estate: And he which, being neglected, or disesteemed; (under what specious shewes soever) a great measure of infelicity, if not an irreparable confusion, must without doubt fall up them. The meanest of which, he saith, p. 650. are born equally free, (and to whom the Law of the Land is an E Q U A L L I N H E R I T A N C E) with the greatest Subject. And that the wealth and strength of this Kingdome, is in the number and happinesse of the people, which is made up of men*  
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of all conditions: and to Whom in duty without Distinction; he acknowledgeth he oweth an *ENTIRE* Protection. And he in pag. 140. 163. passeth a most superlative high commendation upon those golden expressions of Mr. *John Pym's* speech against the Earle of *Strafford*: and published in print by a speciall order of the House of Commons, which are, *That the Law is the SAFEGUARD, the CUSTODY* of all private interests: Your honours, your lives, your liberties, and estates; are all in the keeping of the Law: And without this, every man hath alike right to any thing. And therefore (saith he) the Law is that which puts a difference betwixt good and evil, betwixt just and unjust. If you take away the Law, all things will fall into a confusion; every man will become a Law unto himself: Which, in the depraved condition of humane nature, must needs produce many great enormities: Lust will become a law, and envy will become a law, covetousnesse and ambition will become lawes: and what distastes, what divisions such lawes will produce; may easily be discerned.

And in this very language doth the Parliament speak in their declarations, *Book Declar.* pag. 6. where they speak with a great deal of vehemency and bitterness against the bold and presumptuous injustice of such Ministers of Justice as before this Parliament, made nothing to breake the Lawes, and suppress the liberties of the Kingdom, after they by the Petition of Right, &c. had been so solemnly & evidently declared. Yet they obstructed (amongst abundance of other grievous crimes there enumerated, the ordinary course of Justice; which they there (pag. 7.) call the *COMMON BIRTH-RIGHT* of the Subjects of England. And in pag. 38. they speaking of the Kings dealing with the five accused Members: who, by his Majesties Warrant, had their Chambers, Studies, and Trunkes sealed up: Which action (they say) is not only against the priviledge of Parliament, but the common liberty of every Subject. And in the same page they say, His Majesty did issue forth severall warrants to divers Officers under his own hand, for the apprehension of the persons of the said members, which by Law he cannot do; there being not all this time, any legall charge, or accusation, or due *PROCESS* of Law issued against them, nor any pretence of charge made known to that House whereof they were Members. All which are against the fundamentall lawes and liberties of the Subject, &c. And in pag. 458, 459. they declare, That in all their endeavours since this Parliament began, they have,

have laboured the regaining of the ancient (though of late yeares much invaded) rights, lawes, and liberties of England being the Birth-right of the Subjects thereof. And therefore pag. 660. they own it as their duty, to use their best endeavours; That the meanest of the Commonalty may enjoy their own Birth-rights, freedom, and liberty of the law of the land; being equally (as they affirm) intitled thereunto with the greatest Subject. And in pag. 845. they declare, that to be assaulted or seised on without due Proccesse or Warrant; is against the legall priviledge of every private man; but the Prerogative-Monopolizing arbitrary-men of London, as though they had an absolute Deity-power in themselves, and were to be ruled and governed by nothing, but the law of their own will: And as though they were more absolute and soveraigne in power, then either the King or Parliament, divided or conjoynd; dis-franchising the greatest part of the Commons of London, of their Liberties, Trade, and Freedoms, at their pleasure; which is granted unto them not onely by God, and the great Charter of Nature, and Principles of Reason, but also by the *Fundamentall Lawes and Constitutions of this Kingdome*: by which lawes, and by no other; is London, as well as the rest of England, to be governed. And therefore Arbitrary Irrationall, and Illegall it is for them, or any of their brother-hoods, Monopolizing Corporations and Companies, by the authoirty of any pretended Royall Patent, Proclamation, or Commission, whatsover; to asume unto themselves a power to destroy, annihilate, and make voyd the Fundamentall lawes of the Land; which yet notwithstanding they daily doe. And sure I am, by the *Petition of Right*, the King of himself can neither make an oath, nor impose 6 pence upon any of his people, nor imprison, nor punish any of them, but by the Law, & by the Statutes of *Magna Charta*, chap. 29. & 2. E. 3. 8. & 5. E. 3. 8. 9. *The King shall neither by the great Seal, nor little Seale, disturb, delay, nor deferre judgment, or common right: And though such commandements doe come; the Justices shall not therefore leave to do right in any point.* But yet notwithstanding, they meerly by their illegall prerogative, both frame oathes absolutely-destructive to the publick law of the kingdome: impose arbitrary fines, and illegall levies and payments of moneys: and act illegall imprisonments and punishments: yea, and at their pleasure seise upon the goods of freemen. All which is constanly practised in their Patentee-Monopolizing

lizing Companies, Corporations and Fraternities. So that to speak properly, really, and truly, their Brotherhoods are so many conspiracies to destroy and overthrow the lawes and liberties of England, and to ingrosse, inhance, and destroy the trades and Franchijes of most of the Freemen of London.

But if it should be objected, That these things are the ancient customes and practices of the Grandees of London: and therefore by prescription of time are become lawes thereto;

I answer: Course of time amends not that which was nought from the beginning. And that which was not grounded upon good right, and sound reason; is not made good by continuance of time. And therefore to give a definition of the Lawes of England, as it may be proved out of the workes of the best and most conscientious Lawyers thereof.

*It consists of the ancient constitutions, and modern acts of Parliament, made by the States of the Kingdome: but of these onely such as are agreeable to the Word of God, and law of Nature, and sound Reason.*

Or the Fundamentall Law of the Land, is the PERFECTION of Reason, consisting of Lawfull and Reasonable Customes, received and approved of by the people: and of the old Constitutions, and modern Acts of Parliament, made by the Estates of the Kingdome. But such only as are agreeable to the law Eternall and Naturall, and not contrary to the word of God: For whatsoever lawes, usages, and customes, not thus qualified; are not the law of the Land: nor are to be observed and obeyed by the people, being contrary to their Birth-rights and Freedomes, which by the Law of God, and the great Charter of Priviledges, they ought not to be.

And therefore Sir Richard Empson, and Edm. Dudley, Justices of Peace, were both hanged in Henry the eighths dayes, for putting in execution, severall illegall practices grounded upon an unjust law made in the 11. H.7. chap. 3. 1. which, as honorable Sir Edw. Cook saith, was made against, and in the face of the Fundamentall Law of the great Charter, 2. part. Instit. fol. 51.

And just it was they should be thus dealt with, because it is honorable, beneficial and profitable for the Common-wealth, that guilty persons should be punished, lest by the omission of the punishment of one, many men by that ill example, may be encouraged to



commit more heinous offences. And excellent to this purpose, is that saying of the Parliament, which I desire they may never forget, *Book. Declar. pag. 39.* which is, *That they are very sensible, that it equally imports them, as well to see justice done against them that are criminous, as to defend the just rights and liberties of the Subjects and Parliament of England.* And therefore pag. 656. they call the execution of the law, *the very life and soule of the law*, as indeed it is: without which; it is but in truth a dead letter, and a fencelesse block. But woe unto you prerogative Patentee-Citizens, if the Law shall be executed upon you; I proteste I will not give three pence for an hundred of your estates, for all the greatnesse thereof, what-ever become of some of your liberties, or lives; which many of you have hitherto preserved by bribes, and other indirect courses. Witnesse some of you in a joint fraternity, like brethren in evill, giving above *threescore thousand pounds* at once for a bribe in the dayes of the Councell-Table, to preserve you from Law and Justice; and to destroy the Law, and to buy and rob your fellow-Citizens, as free as your selves, of their liberties, franchises, trades, and livelihoods. Read the Discourse for *Free Trade*.

Oh! ye worse then *high-way men, pick-pockets, & housebreakers*, who now would faine transform your selves into Angels of light, like your old wicked Father, & become godly Presbyters, that now sprung up Sect and Heresie in *England*; whose Lordlinesse and pride, was long since as Heathenish and Genilisme, condemned by Christ and his Apostles; and zealous Covenanters, which you make your stalking horse, to disfranchise all honest and tender conscient men, that cannot take that impossible to be kept, and double-faced Covenant, the greatest make-bate and snare, that ever the Divell, and the Clergy his Agents, cast in amongst honest men in *England*, in our age: which I dare pawn my head and life so to prove it to be, in a fair & publike discourse, against the greatest maintainer thereof in *England*. But alas! If it were ten times worse, your wensons are wide enough to swallow it down, and your consciences large enough to digest it, without the least danger of vomiting: But I hope the true, fathfull, and just God of Heaven and Earth, will raise up heroical Instruments, to unwaile, and unmask you; and bring about wayes & means enough, for all your juggling, and machivel-like endeavours, to divide the peoples affections, each from other, about those unhappy names



of *Independents* and *Presbyters*, to bring you to condigne, and just deserved punishments, before you have fully saddled and bridled them, and made them fit to be rid by you as slaves : And therefore, for the further discovery of you, I judge it not amisse, here to insert, that excellent Petition of Mr. *William Sykes*, and *Thomas Johnson*, delivered in writing, first to the house of Commons, and then in print to the Members thereof ; which thus followeth :

*To the Honourable the Knights, Citizens,  
and Burgeses of the Commons  
House in Parliament  
Assembled.*

*The humble Petition of William Syeks, and Thomas Johnson,  
Marchants, on the behalfe of themselves, and all the  
freemen of England.*

*Sheweth,*

**T**Hat whereas divers Marchants in the 21. year of the  
Raign of *Queene Elizabeth*, under the great Seal of  
*England*, obtained a large and illegall Charter of incor-  
poration, for them and their Company, to use the traffi-  
que and feat of Marchandize, our, and from any of Her then Ma-  
jesties Dominions, through the *Sound* into divers Realmes,  
Kingdoms, Dominions, Dukedoms, Countries, Cities, and  
Townes, *viz. Norway, Swethia, Poland, &c.* Whereby none but  
themselves, and such as they shall think fit, and for such fines and  
compositions as they shall impose, shall take any benefit by the  
said Charter; disfranchising thereby, all other the free-borne  
people of *England*, who during the time of all these warres, have  
been in divers respects, greatly charged for the defence of this  
present Parliament; the lawes and liberties of their native  
Country,

Country, and therefore ought indifferently to enjoy the benefit of the good lawes, franchises, and immunities by *Magna Charta* established: which great Charter hath been ratified by 31. sessions of Parliament; as also this present Parliament, being bound by protestations, oaths, and covenants to maintaine the same: by reason whereof, and other illegall monopolies, they are debarred from that free enlargement of common traffique, which the Kingdoms of *Scotland* and *Ireland* do enjoy; the same being destructive to their laudable liberties and privileges, the fundamentall lawes of the Land, to the manifest impoverishing of all owners of ships, masters, mariners, clothiers, tuckers, spinsters, and multitudes of poore people; besides the decrease of customs, the ruine and decay of navigation, together with the abating the price of our wools, cloth, stuffs, and such like commodities, arising and growing within this Realm, and the inhauncing of all commodities imported from those forraign parts, by reason of the insufficiency of the merchants, they being few in number, and not of ability to keepe the great store of our ships and seafaring men a work, and to vend our native manufactories, and likewise by reason that those forraign commodities are in few mens hands, much hurt and prejudice hath redounded to every private or freeman of this Kingdom, and tendeth to the ruine of the constitutions thereof.

Your Petitioners most humble suit is, that the charter and monopoly of the *Eastland*-merchants, the charters and monopolies of the merchant *Adventurers*, *Turkie*-merchants, *Greenland*-merchants, *Muscovia*-merchants, &c. upon mis-informations, and untrue pretences of publike good, so unduely obtained, and unlawfully put in execution, to the great grievance and inconvenience of the free Denizens of this Realm, contrary to the great Charter, and divers other statutes of former Parliaments, viz. the 12. H. 7. the 3. Jac. which was made for the overthrow of the *Spanish* Corporation, &c. the Petition of Right, the act made for the abolishing of the *Star-Chamber* in this present Parliament (in which our liberties and freedoms are confirmed) may be, as indeed they are, declared to be contrary to law, and to be utterly void, and of none effect, and in no wise to be hereafter put in execution: and this we are the rather im-

bol-

boldened to crave, for that the Parliament in the 3. *Car.* by the Petition of Right, and this Parliament by the act for abolishing the *Star-Chamber*, have confirmed the statute of tallage, made in the 34. of *Edw. 1.* whereby in the 4. chapter, it is enacted; that we shall have our lawes, liberties, and free customs, as largely and wholly as we or our ancestors have used to have the same at any time, when we had them at the best: and if any statute hath been made, or any custome brought in contrary to them; that such manner of statutes and customs, to be void and frustrate forevermore: and by another statute of the 25. *Edw. 1.* yet in force, and unrepealed, It is enacted, that if any Iudgement be given contrary and against the subjects liberties, confirmed by *Magna Charta*, by any Iustices, or by any other Ministers, that hold plea before them; the same shall be undone, and holden for nothing: all which your Petitioners doubts not but you will grant and confirme, and no more subject your Petitioners to these law-destroying monopolizers: but that free trade and traffique may be restored in all points, according to law, as of right it ought to be: these Corporations called to a strict account for all their wrongs and oppressions, and reparations made to the parties grieved, as shall be agreeable to justice (the life and soule of all well-governed Common wealths) that all men hereafter to succeeding generations, may be terrified from making in-chroachments upon the common liberties and freedoms of the people.

*And your Petitioners shall ever pray, &c.*

March the 4.  
1645.

William Sykes.  
Thomas Johnson.

And I doe hereby exhort all my fellow-Citizens that have been denied and prohibited by you to follow their trades and vend their goods, seriously to read over the Statute of Monopolies, made 21. *James*, chap. 3. and seriously with the best advice and counsell they can get, consider thereof; and I believe they will, by it, finde your practises to be against the Fundamentall Laws of *England*, and your selves liable to pay treble dammages, and double colts, to every man that shall ground his action upon this Statute; and, *sue you at common-law, for hindering, grieving, disturbing, or disquieting, or his, or their*

their goods, or chattels, any way seizing, attaching, distraining, taking, carrying away, or detaining by occasion, or pretext of any Monopoly, or of any such Commission (as in the Declaratory-part of this Statute, is mentioned) grant, licence power, liberty, faculty. Letters-Patents, proclamation, inhibition, restraint, warrant of assistance, or other matters, or any thing tending as aforesaid.

And for the encouragement of all those, that sue upon this most excellent Law; it is enacted in the body thereof, That he that delays an action grounded upon this Statute, incurs a Premunire, according to the Statute of the 16. R. 2. chap. 5.

But if you shall think, that you are free, by reason of the 5. proviso therein contained: I believe you are merely cuzzoned; for if you read the Preamble or Declaratory-part of the Statute, you shall find it there declared, That all grants of Monopolies, and of the benefit of any personall Lawes, or of power to dispenſe with the Law, or to compound for the forfeiture, are contrary to Law; So that thereby it appears, the ancient fundamentall known law of the Land, is absolutely against Monopolists; so that this Statute is no new law, but a declaration and confirmation of the old and just law of the Land, which makes the Statute the more stronger: but least it should in future time, by any scrupulous or cautious Judge, be questioned, whether it bee a true Declaration of the Law: Therefore, to make it strong, without staggering; it is not only declared to be law, but it is enacted to be so, and that by all the estates, in a free and peaceable time; which makes it as firme, and sure, without the least flaw in the world, as it is possible for any humane law to be made: And therefore, for the avoyding, and preventing of the like mischiefs in future time, as had happened in the Kingdome in times past, to the great grievance and inconvenience of the people; May it please your most excellent Majesty, at the humble suit of the Lords Spirituall and Temporall, and the Commons in this present Parliament assembled, That it may be declared and enacted; And be it declared and enacted, by authority of this present Parliament, That all Monopolies, and all Commissions, Grants, Licences, Charters, and Letters Patents, heretofore made or granted, or hereafter to be made or granted to any person or persons, bodies politike, or corporate whatsoever, of, or for the sole buying, selling, making, working, or using of any thing within this Realme or the Dominion of Wales, or of any other Monopolies, or of power, liberty, or faculty

ry, to dispence with any others, or to give licence or toleration to doe, use, or exercise any thing against the tenour or purport of any Law or Statute, or to give or make any Warrant for any such dispensation, licence, or toleration to be had or made, or to agree, or compound with any others for any penalty, or forfeitures limited by any Statute, or of any Grant or promise of the benefit, profit, or commodity of any forfeiture, penalty, or summe of money, that is, or shall be due by any Statute, before judgments thereon had, and all Proclamations, Inhibitions, Restraints, Warrants of Assistants, and all other matters and things whatsoever, any way tending to the instituting, erecting, strengthening, furthering, or countenancing of the same, or any of them; are altogether contrary to the Lawes of this Realm, and so are, and shall be utterly void, of no effect, and in no wise to be put in ure or execution.

Now I pray tell me, ye Monopolizers of London, of what strength, validity, or authority, is your proviso against this strong declared Law? truly, not worth a button, being absolutely weaker, then all the other 9 Provisoes.

But let us a little consider of your proviso; the conclusion of which, expressly saith, *That your Fraternities, Charters, Customs, Corporations, Companies, Fellowships, and Societies, and their Liberties Priviledges, Powers, and Immunities, shall be, and continue of such force and effect (mark it well) as they were before the making of this Act, and of none other: any thing before in this Act contained, to the contrary, in any wise notwithstanding.* And truly, they were all of them illegall before, and therefore of no force and effect, as is fully proved and declared in the Preamble, so that you get not the breadth of a hair, either in point of benefit or power, by this proviso. But, notwithstanding, your Patents, Charters, &c. are not onely declared and enacted, to be illegall, but also you are liable to pay treble damages, and double costs, to all men that you wrong, contrary to this just and excellent Law: in which, besides the incurring the Penurie, 'to any that shall delay an Action grounded upon this Statute: It is also enacted, *That no Essoign, Protection, Wager of Law, Aid, Prayer, Priviledge, Injunction, or order of restraint, shall in any wise be prayed, granted, admitted, or allowed, nor any more then one imper-  
lance.*

And for the further illustration, that the Proviso of London is under, both the declaratory, and genall part, of this Statute; seriously read and

and consider, the strength of the five last provisoes, which onely are fenced in unquestionably, and you shall find their provisoes run clear in another strain to that of *London*, viz. *Provided also, and be it enacted, that this Act, or any Declaration, provision, disablement, penalty, or other thing before in the Act mentioned, shall not extend to, &c.* and in the conclusion of their proviso, the words run thus. *That all &c. shall be, and remain of the like force and effect, and no other, and as free from the declarations, provisions, penalties, and forfeitures contained in this Act, as if this ACT had never been had nor made, and not otherwise.*

But compare the proviso for *London* ( which is absolutely the weakest of the rest) and you shall find no such words in it at all; the words of which Proviso; thus followe :

“ Provided also, and it is hereby further intended, declared, and enacted; that this Act, or any thing therein contained, shall not in any wise extend, or be prejudiciall unto the City of *London*, or to any City, Borough, or Towns-Corporate within this Reahn; for, or concerning any Grant, Charters, or Letters-Patents to them, or any of them, made or granted, or for, or concerning any custome or customs used by or within them, or any of them, or unto any Corporations, or Fellowships of any Art, Trade, Occupation, or Myltery, or to any Companies, or Societies of Merchants within this Realm, erected for, the maintenance, enlargement, or ordering of any Trade of Merchandize; but that the same Charters, Customes, Corporations, Companies, Fellowships and Societies, and their liberties, priviledges, powers, and immunities shall be and continue of such force and effect, as they were before the making of this Act ( which was just none at all) and of no other: any thing before in this Act contained to the contrary in any wise: notwithstanding, the Statute of 3. *James*, chap. 6. which Statute opens and make free, the trade for *Spain*, *Portugall*, and *France*, with *Sir Edward Cookes* Comment upon the Statute of Monopolies, in the 3. part of his *Institut*. fol. 181. and his sayings upon the same subject, in his Exposition of *Magna Charta*, 2. part, *Institut*. fol. 47. is extraordinary well worth the judicious Readers serious perusal; for they will give a great deal of light about these Monopolists, &c. But in case the Reader have not the bookes by him, nor cannot furnish himself therewith without a great deal of money; if he please to furnish himself with my fore-mentioned

oned Treatise (which for a very small matter he may) called *Innocencie and Truth justified*, and read the 55, 56, 60, 61, 62. pages thereof: you shall finde there, both the fore-mentioned Statute at large, and the marrow of Sir *Edward Cookes* Aarguments; to which I refer you.

But if any man shall propound the question, and ask what's the reason that the Statute of Monopolies, being a Law of so great concernment, to all the people of *London*, is no plainer penned.

I answer ( according to that information that I have from every good hand, and one that knowes as much of the hammering, contriving, and passing of that Statute; as I think any one man in *England* doth ) that in the Parliament before this most excellent Law passed, it was in more plainer expressions then now it is sent up to the Lords, who judged it so prejudiciall to the Prerogative, and divers great Courtiers, that with scorne and indignation they tare it in their house, and threw it over their Bar; so that there was an end of it for that Parliament: But it being of so much use to the Commonwealth, as it was; some Patrons thereof in the next Parliament, set it on foot again, and prosecuted it very close: but judging it impossible, purely without clogs to passe the Lords; and if it did passe the Lords, yet they feared it would stick at the King; and therefore put in some colourable provisoes, which not sone in a hundred could rightly understand: but it coming into the Lords house with the provisoes, much all alike, the subtle, crafty, Attorney Generall, then Sir *Thomas Coventry* late Lord-Keeper presently found out the fallacie; and being put upon it by his Master the King, strengthened the five last provisoes as they are, which principally served his turn, and bearing then a good-will to the Commonwealth and the Law of the Kingdome, passed by that proviso of *London*, &c. that so the Act might be as beneficiall for the Kingdom, as possible it could bee got to be then: and to be the promoters of that Statute, were willing to please the King and his Courtiers, in admitting the five last provisoes, having gained *London*, &c. being the main and principal of all the rest, rather then not to have it passe at all; which then it was impossible to do without them: and therefore there was an extraordinary great necessity, to pen it so ambiguous & doubtful as it is, not only for casting a mist over the Citizens eyes, as indeed they have done it excellently well; who if it had been plain, perspicuous, and



ease to their understandings, would have interposed with all their might and strength: and if they could not have prevailed to stop it in the House of Commons; would have gone near to have bribed all the Courtiers about the Court (in which practises they are very well versed) before it should have passed either with the Lords, or King.

Now seeing the Patentee-Monopolizers are so pernicious and destructive to the lawes and liberties of England, as by constant experience they are found to be; that both in former Parliaments, and this present Parliament, the House of Commons have thrown divers Patentee-Monopolists, out of the House; as altogether unfit to be law-makers, who have been such law-destroyers. It had been pure Justice indeed, if they had made no exceptions of persons; but swept the House of all such: and then the King in his Declaration of the 12. August, 1642. *Book Declar.* pag. 516. had not had so much cause too justly to hit them in the teeth, with being partiall in keeping in, Justice Laurence Whittaker, &c. who the King there saith, hath been as much employed as a Commissioner in matters of that nature, as any man. And by all the information that I can get, or heare of, from those that knew him well before the Parliament; the King in this particular hath spoken nothing but truth: and I am sure, and will to his face make it good, *secundum legem terræ* (that is by the law of the land, but not by the arbitrary law of Committees, that his estate and head will not make a sufficient satisfaction to the kingdome for those intolerable In-roads that he hath made since this Parliament, into & upon, the fundamental and essential liberties, privileges, and lawes of England. Therefore to you my fellow-Citizens, the Cloke-men of London, I make this exhortation, to make a petition to the Parliament, to bring him, & all such Delinquents, to condigne punishments: which both the most of you, and the Parliament are bound unto (not only by your own interest, but also) by your protestation, &c. *Book Declar.* 156. 191. 278, 629. And good encouragement you have from their own Declarations, so to doe: For there they say, *Book. Decl.* 656. *The execution of Justice is the very soul and life of the law.* And pag. 39. they say, *They are very sensible, that it equally imports them, as well to see justice done against them that are criminals, as to defend the just rights and liberties of the Subjects and Parliament of England.* And in pag. 497. they say, *For an-*

to them if they doe not their duty. Therefore never think that the Parliament will be worse then their words, or throw their own Declarations behind their backs: and therefore if you want the fruit of them; blame your selves for not pressing them to make them good unto you. For I am sure it is their own Maxime and saying, that, of the Parliament there ought not to be thought or imagined a dishonourable thing, page 28. and therefore, as they would have men to believe the truth of this Maxime; soundly they will be very careful and wary not to do a dishonourable action, much lesse to protect visible Delinquents and Offendors amongst themselves in the great Council of the Kingdom, which were not only a dishonourable action, but would justly open all rationall mens mouths (not only to think, but also) to speak dishonourably of them.

But it may be, you will say, that your Grandees of *London* tell you, the Parliament will receive no Petitions from a multitude of Citizens, unless it come through the Common-course!

I answer, true it is, there hath been a very strong report of such a thing in *London*; but roguery, knavery, and slavery is in the bottome of it: for if the prerogative-men of *London* could once bring you to that; they might tyrannize over you at their pleasure, ten times more then they do. Therefore, an enemy to the Liberties of *England* and *London* in the highest degree; hee is that would perswade you, to believe any such thing: Yea, and I say further, he is an enemy to the honour, dignity, and safety of the Parliament that so doth: for this were to destroy the fundamentall freedoms of *England*, which the Parliament themselves cannot destroy, being appointed to provide for our weal, but not for our woe; Book Decl. p. 150, 81, 179, 336, 361, 382, 509, 663, 721, 726: and themselves say, pag. 700. that all interests of trusts are for the use of others, for their good, and not otherwise.

And punishable is he, that shal make the people believe any such thing: the Parliament judging it the greatest scandal, that can be laid upon them, that they either do, or ever intended such a thing, as to enslave the people, and rob them of their liberties and freedoms, Book Decl. p. 264, 281, 494, 496, 497, 654, 694, 696, 705, 716.

And therefore, when the King chargeth it upon them as a crime, that they have received Petitions against things that are established by Law; they acknowledge it to be very true, And fur-

ther say, that all that know what belongeth the course and practice of Parliament, will say, that we ought so to do; and that both our Predecessours, and his Majesties Ancestors have constantly done it, there being no other place, wherein Lawes, that by experience may be found grievous and burthensome, can be altered or repealed; and there being no other due and legall way, wherein they which are agrieved by them, can seek redresse, *Book Decl. pag. 720.*

Yea, and when his Majesty hits them in the teeth, with the great numbers of people that used to come up to *Westminster*, the beginning of this Parliament, calling them tumultuous numbers; "They tell him, that they do not conceive that numbers do make an Assembly unlawfull; but when either the end, or manner of their carriage shall be unlawfull. Divers just occasions (say they) might draw the Citizens to *Westminster*, where many publike and private Petitions, and other causes were depending in Parliament, and why that should be found more faulty in the Citizens, then the resort of great numbers every day to the ordinary Courts of Justice, we know not, *Book Decl. p. 201. 202. And therefore, pag. 209.* they affirme, that such a concourse of people, carrying themselves quietly and peaceably (as they did) ought not in his Majesties apprehension, nor cannot in the interpretation of the Law, be held tumultuary and seditious:

And therefore up and be doing againe, as then you did, and also petition for the exemplary punishment of those amongst themselves, that have robbed you of your *Lawes, Liberties, Franchises, and Trades*; for besides all that is before named, a greater is behinde, namely, the *disfranchising* of all you *Clockemen of London*, in giving any vote in chusing your *Burgesses* for Parliament, although I am confident you are above three hundred, for one *Livery-man*, and although your Persons and Estates, I dare say it have been voluntarily ten times more ready and serviceable, in these late distractions, to preserve the Parliament, and the Kingdome, and the lawes and liberties thereof; then the *Gowne* or *Livery-men*; although you be rob'd, by them of yours. Truly for my part, I speake from my soule, and conscience, without feare, I know no reason (unless it can be proved that you are all slaves & vassals) why you should be concluded by the determinations, orders, and decrees of those, that you have

have no vote in chusing : ( for it is a true and just maxim in nature, *no man can binde me but by my own consent* ) neither do I see how in reason or conscience it can be expected from you, to pay any taxes, &c. but that the whole charge that is layd upon this City, should totally be borne by the Aldermen, and the Livery men till you be actually put in possession, and enjoy your equall share in the lawes, liberties and freedoms thereof; as by the law of nature, reason, God and the land, yea, and your own ancient and originall Charters, the meanest of you ought to do, as fully and largely in every perticular, as the greatest of them.

And now I am upon this theame, I will make bold humbly to propound or declare to the consideration of the Parliament, an insufferable injury, and wrong, that is done unto thousands of the freemen of England, by vertue of *Prerogative Charters*, and corporations, and the restrictive and unjust statute of the 8. H. 6. chap. 7. First, by *Prerogative Charters*, the King makes corporations of what paltry Townes he pleaseth, to chuse two Burgeses for the Parliament, in diver of which a man may buy a Burgeship for 40. or 50. l. and in some of which is scarce, 3. legall men to be found according to the Statute of 8. H. 6. 7. that is to say, *men that are worth 40. s. in land by the yeare, above all charges*, and in others of them, are scarce any but Ale-house-keepers, and ignorant fots, who want principles to chuse any man, but only those, that either some lord, or great man writes for, and recommends; or else one who bribes them for their votes; and this undenezing of those Corporations, is an undenezing to all the towns and villages adjacent; in which live thousands of people, that by name are free-men of England, and divers of them men of great estates in money and stock; which also also are *disfranchised, and undenezed*, by the fore-mentioned *unrighteous Statute*; because they have not in land 40. s. *per annum*, and so shall have no vote at all in chusing any Parliament man, and yet must be bound by their *La nes*, which is meer *vassalage*; and besides, *unrighteous* it is, that *Cornwall* should chuse almost 50. Parliament-men; and *Torkelshire* twice as big, and three times as populous, and rich, not half so many; and my poor Country the Bishoprick of *Durham*, none at all; and to indeed, and intruth, are meer vassals and slaves, being in a great measure like the *French Peasants*, and the *Vassals in Turkie*: but the more fooles they;

they: for I professe, for my part, I would lose life and estate, lived I now in that Country, before I would pay 6.d. taxation; unless it might enjoy the *common, and undeniabie priviledge in chusing, (as o- the s,* and all the Countries in *England*, besides, do) Knights and Burgeses, to sit and vote in *Parliament*: the greatest hinderer of which, at the present, I judge to be old Sir *Henry Vane*; the *Vaine* and unworthy *Lord Lieutenant* thereof, who hath done more mischief to that poor Country, by his *negligence*, if not absolute *wilfulness*, *perfidiousnesse*, and *treachery*, (the discovery of which you may partly read in the 19, 20, 21. pages of *Englands Birth-right*; and which I understand is likely shortly more fully to be *anatomized* (if he turn not the more honest and juster speedily) by them or him, that to the death will avouch it,) then his life and estate can make satisfaction. And therefore, me thinks it were a great deal of more Justice and Equity, to fixe upon the certain number of the men, that the *House of Commons* should consist of at 500, or 600. or more, or lesse, as by common consent should be thought most fit; and equally to proportion out to every County, to chuse a proportionable number, suitable to the rates, that each County by their Bookes of Rates are assessed, to pay towards the defraying of the Publique charge of the Kingdome; and then each County equally and proportionable by the common consent of the People thereof to divide it selfe into *Divisions, Hundreds, or Wapentakes*, and every Division of and within themselves, to chuse one or more *Commissioners* to sit in *Parliament*, suitable to the proportion that comes to their share: which would put an end and period to all those inconveniencies that rarely happen, which are mentioned in the foresaid Statute of the 8. H. 6. 7. and restore every free-man of *England*, to his *native, and legall rights and freedoms*: Oh! that *England* might enjoy this peace of pure Justice; the which if it do not, the free-men thereof may blame themselves.

But now to return back to the City, and its prerogative-Monopolizers, who, and their predecessors, I may justly say, have been main and principall Instruments of all *Englands* woe and miserie; as I dare pawn my life upon it, cleerly, justly, and rationally to demonstrate: for what hath brought all the present wars upon us, but the unjust swelling of the *Prerogative*, beyond the just Bounds of the known, and established Law? and who hath put the arbitrary commands ther-

of in execution ; but principally the *Monopolizing Citizens?* as in hundred of particulars, might cleerly be evidenced. and furnished the King from time to time, and year to year, with *vast sums of money*, to supply his *extravagancies*, and the *extravagancies of his extravagant Courtiers*, which did inable him to break off former *Parliaments* at his pleasure, and to keep them off, so long, till this poor Kingdome with oppression and injustice was almost destroyed.

And sure I am, if the King had found none to obey, or put in execution his illegall commands; our former miseries, and these present warres had never been : and impossible it would have been for the King to have kept off Parliaments so long as he he did, if these men and their predecessors had not been beginning, originall, and ill presidents, illegally (from time to time for their own particular ends and advantages) to supply his necessities with *vast summes of money* : yea, I have heard it from very good hands, of solid and substantiall Citizens, *That after the breaking up of the Parliament in the third of this King, the Corporation of MERCHANT ADVENTURERS, freely and voluntarily without any compulsion, made a most unjust, and England-destroying and enslaving order, in their Company, TO PAY VNTO THE KING CVSTOMES, &c. for all their Merchandise, contrary unto law, and the liberties of England.* Yea, and in affront of the late, or most excellent Parliament that had made the *Petition of Right*, by which all royall impositions, and levies whatsoever, are damnd : and not onely enacted, but also declared, to be against the Fundamentall lawes of the kingdom ; and yet I never heard of any of these men, whose life and estate was made a just sacrifice there-for; al hough to my understanding, they as much, if not more, deserve it, then the Earle of Strafford. But contrary to their deserts, divers of the *Grandeers* of this very *Monopoly*, and illegall *Corporation*, are become the great Treasurers of the kingdomes money, both in the Customs-house, and Excise; contrary to law, right, equity and conscience : which action of the Parliaments, in putting them into those 2 grand places, loseth the Parliament more in the affections of thousands of honest people ; and will, if not speedily prevented, make a greater breach in the peace of this distressed kingdome, then all their estates *confiscated* will repay : For people doe already very much murmur, and begin privatly to question the intentions of the

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Parliament in reference to these men : and many begin to say, that this demonstrates unto them, that they shall but only have a change of Masters, and not of their *Bondage, slavery, and oppression* ; seeing such *Varlets, Vipers, Pests, enemies and destroyers of the lawes and liberties of England*, employed in the great Places of the kingdom, who must needs act according to their old and corrupt principles, and drive on their habituated and destructive designs against the weale, peace, trade, and tranquillity of this poore bleeding kingdome. And if (say the people) these worst of men, who eat up mens trades and livelihoods, and so suck their bloods, as Sir Edward Cook in his fore-mentioned discourse well observes, and destroy men and this poore kingdome, with a *secret destruction*, shall possesse the Custome-house; are they not enabled thereby to curb every Merchant that hath any Principles in him for the lawes and freedoms of England; are they not enabled hereby, to send their *agents, creatures, and servants*, to all the Ports and Sea-townes of England, where they have an influence into the elections of all the Burgesses that in any of them are chosen to sit in Parliament. By means of which we may have (say they) wickednesse, bondage, slavery, and all kind of Monopolies established by a Law : and then *our last error will be worse then the first*, and all our money, & blood, and fighting, shed and spent in vain. And have not the Excise-men the same power in every particular, in their hands likewise : For can they not, yea doe they not sit upon the skirts of every man that hates and opposes their *tyrannizing and monopolizing* wayes ? And doe they not *authorize*, and send their *Sub-commissioners, &c.* into all the Counties and Corporations in England, where they have the same influence into all elections, that their brethren at Custome-house have in Sea-ports and Havens ? Nay, these *Blades* strengthen their interest, and make it double. *Therefore look about you Gentlemen, before it be too late.* For sure I am, were it not for those unhappy, unnaturall and irrational divisions, that these men (with the help of their Monopolizing brethren the Clergy) have made amongst us ; I am assuredly and confidently perswaded, that neither the *King nor the Scots*, nor yet the unjust Lords, would be so high in the *Instep*, as they are ; which is like to beget a new warre again. For shame therefore unite in affection, though you cannot in judgement, in matters of Religion, and study and stand for your *common interest, lawes and liberties*, and take



take heed, the *French* come not creeping in at a back doore: For they have already got *Dunkirk*, and so are furnished with a good Harbor and store of shipping, from whence with a faire wind they can in 6 or 8 hours land in the coasts of *Kent*, *Essex*, *Suffolk* or *Norfolk*: Therefore beware of those two dangerous places, *Lin.* & the Isle of *Lovingland*, hard by *Yarmouth*: therefore up, and as one man, to the Parliament with a Petition, to displace all those *Monopolists*, and to put honest *Englishtmen* into their places, that love the *Fundamentall lawes*, and the *common* and just liberties of the Nation; And also desire the Parliament to reduce the publick treasure of the kingdome into the cheap, publick, and old good way of the kingdome. The Exchequer for these obscure clandestine wayes of these mens receiving and paying moneys, is not safe nor profitable for the kingdome, if you will beleieve Mr. *John Pym*s Speech, made at the Barre of the House of Peeres against the Duke of *Buckingham*, which is a most excellent speech. And also desire the Parliament, not onely to remember, but also *cordially, heartily, and really* to put in execution their selfe-denying Ordinance; that they themselves may be examples of self-deniall to all the men in the kingdome. For a hard matter is it for any Parliament-man what-ever he be, in such times of distresse as these are, wherein Souldiers that have ventured their lives for eight pence a day, to save both the Parliament and the kingdome, and many poore Widowes and fatherlesse children, that have lost their husbands and Fathers in the wayres, and are now ready to starve and perish for want of bread; and yet cannot get their small arreares. And when the kingdome is reduced to that poverty, that Excise and Taxes must be laid upon poor men, that have wives, children and families, and nothing to maintain them with, but what they earn with the labour of their lands, and the sweat of their browes, and yet then for &c. to have great places of 1000. l. 1500. l. or 2000. l. *per annum*, and the salaries and stipends of them paid out of the publick stock, when they are able to live in poimp and gallantry of themselves besides; and it is possible to get honest, faithfull, and experienced men, that have ventured life and all for the common wealth, to officiate in those places, as well, if not better, for 100. l. or 150. l. or 200. l. *per annum*; let such men, if there be any, prayse what honesty or Religion they will I professe seriously that to the such actions, at such a time as this, are cleare de-

monstrations to me, that such men have neither honesty, Christianity, nor Religion; but meerly make them pretences for their own unworthy ends.

And this Parliament being now a standing Parliament, and like to continue; it is very hard that the Lawyers thereof should run from Bar to Bar to plead causes before Judges made by themselves; who dare not easily displease them, for feare of being turned out of their places by their meanes. Sure I am, well and conscienciously to officiate the single place of a Parliament man; is enough for one.

But to return again to the Monopolizers, the endeavourers, & contrivers of *Englands* destruction. If *Alex. Archb. of Yorke*, and *Rob. de Veere, Duke of Ireland*, &c. deserved to be prosecuted as traytors, for but endeavouring at the Kings command to destroy certain members of both Houses: How much more doe these law-and-kingdome-destroying *Monopolizers*, deserve the same, that have not onely endeavoured the destructions of some Parliament-men, but also the very Being of all *Parliaments* themselves; and so by consequence; the whole *kingdome*. Sure I am, if the Commonalty of London will carefully peruse their own ancient and just *Charters*, they shall find, That they within themselves have power enough not onely to disfranchise all these *Monopolizers*, but also all other freemen of London that shall endeavour the destruction of their ancient fundamentall and just *Freedomes, Liberties and Franchises*: And that they, namely, the Commonalty, have not onely liberty to chuse their Lord Maior, and that not onely from amongst the Court of Aldermen; but also if they please, they may chuse a discreet man from amongst themselves: And the Commonalty in every Ward, upon a fixed day, are enabled once every yeare to chuse an Alderman in every Ward; with an expresse Prohibition, that one man shall not be Alderman two yeares together. And the Commonalty expressely have a power to chuse *Chamberlaine*, common *Sergeant*, *Bridge-master*, &c. and to whom alone they are to be accountable for the moneys in their offices received.

Now having brought this Discourse to this period; it behoves me a little to Apologize for my self: because I believe I shall have a whole sea of indignation to arise against me; which I heere profess I feare not, nor value, if I may have faire play, and have not my hands and feet bound, and then challeng to fight, and defend my self. And truly I must say, and that in the presence of God, I have

in the singleness of my heart, without ends of my owne; discharged my conscience; the baylings of which I could not withstand; being at the writing hereof in *Jeremies* case, when he said, pleading with God; Thy word was in my heart as a burning fire shut up in my Bones, and I was weary with forbearing, and I could not stay, *Jer.* 20. 9.

But yet, because what-ever I meet with besides, I perswade my selfe I am sure to meet with the revellings, and reproches of the barking curs of the times, such as (*S. Shipard*) &c. who in my close captivity have nibbled at my heeles, like brats of the old Serpent; I shall therefore, for my present apologie, publish to the view of the world, the dealings of *Mr. John White*, a Warder in the Tower with me, who lately writ a most false and scandalous book against me, & with much importuning the Lieutenant of the Tower, (being prohibited Pen, Ink, and Paper) I obtained leave from him, upon certain conditions made with him, to write an answer to it; which was, that I should not in the least meddle with his matters that committed me; and to let him see it, before it was printed, which I performed. But my Angatonist, old *John White*, as it appears to me, hearing the Answer was very plain, and home-English; sent me a message by a Gentleman, my fellow-prisoner, *That he desired to put the difference betwixt us to arbitration*: And I being a man of peace, and willing to avoid jangling, if it were possible; upon agreement to compose it.

I did chuse two of my fellow prisoners, strangers to me, and men of opposite principles; but knowing the Justice of my cause, and being convinced of the morall justice of the Gentlemen: I chose Sir *Lewis Dive*, and Sir *William Morton*; and he chuse Sir *John Strangeways*, and Sir *John Glanvill*; and the first day of the hearing of the businesse was before Col. *Francis West* Lieutenant of the Tower at his own house, where we both referred our selves, to stand to the finall award of our foresaid Arbitrators: at which hearing, they were pleased to give my Antagonist certain dayes time to procure Witnesses, to prove the essentials of his Charge; and he out-stripping the time, and I lying under his publike disgrace and calumny; I pressed them for a conclusion: upon which they issued out this following Warrant.

**W**E whose names are subscribed, Arbitrators indifferently chosen to end all differences betwixt Lieutenant-Colonell *John Lil-*

burn of the one party, and Mr. John White one of the Warders of the Tower of the other party, have appointed also tomorrow next at three of the clock in the afternoon, at Mr. Lieutenants house in the said Tower, further to hear, and finally to determine the said differences; Wherof wee desire the said parties to take notice, and then to be present with their witnesses, and all such prooves, as they will use in the premises. Given under our hands this 3. of October, 1646.

John Glanvill.  
John Strangeways.  
Lewis Dive.  
William Morton.

But the next day, the Lieutenants office not permitting him to be present at the finall hearing; we all met at Sergeant Glanvills Chamber, where after a large and faire hearing, they made this award under their hands and seales; the Copy of which, thus followeth:

"**T**O all true Christian people, to whom these presents indented shall come; We Sir John Strangeways, Sir Lewis Dive, Sir John Glanvill, and Sir William Morton Knights Arbitrators, heretofore (that is to say, upon the 26. day of Septemb. last past, before the date hereof) indifferently chosen by Lieutenant Col. John Lilburn, of the one party, and John White, one of the Warders of the Tower of London, of the other party, for the ending of all differences, and matters of controvertie betwixt them; having entred into the hearing of the said differences, and matters of controvertie, upon the said 26. day of September, and having upon the 6. day of this instant moneth of October, 1646. in the 22. Yeare of the Raigne of our Sovereign Lord King Charles, fully heard the said differences, and matters of controvertie; Doe find the same to be, and arise by; and upon the writing and publishing in print, of a certain Book, entitled, *John Whites Defence*, in behalf of himself, &c. against a lying and scandalous Pamphlet, written by John Lilburn, entitled, *Liberty vindicated against Slavery*: In the 7. p. of which Book, so written, and published by the said John White; he intimateth, That the said Lieut. Col. Lilburn, was, and is the Author of another scandalous Libell; entitled, *An Answer to the House of Lords*: and in a

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Postscript added to the same Book of the said *John White*, pag. the 12; he alledgeeth the said Lieut. Col. *John Lilburn*, to be the Author and contriver of a printed Letter, annexed to the said Book or Treatise, of *Liberty vindicated against Slavery*: of which Letter, hee receiveth a passage, reflecting in a scandalous way upon the honourable houses of Parliament: Of which Book, entituled, *John Whites Defence*, &c; the said *John White* confesseth, and acknowledgeth himself to be the Author and Publisher.

But the said Lieut. Col. *Lilburn* denied himself to be in any sort the Writer, Contriver, Author, or publisher of the said other Books, Treatise, and Letter, or of any of them; or that he had any hand, direction, or approbation, in, or concerning the writing, printing, or publishing of the same, or any of them.

And the said *John White*, did not at our entering into the hearing of the said differences, and matters of controversie, nor at any time since produce or offer unto us any sufficient proofs, by witnesses, or otherwise: Whereby it did, or might appear unto us, That the said Lieut. Col. *Lilburn* was the Writer, Contriver, Author, or publisher of the said Bookes, Letters, and Treatise, so by him denied as aforesaid, or any of them: And the said *John White* being now offered further time to produce his witnesses, or other good proofs, which he had to insist upon, for the making good of the severall Imputations, in, and by his the said *John Whites* book, laid and fixed upon the said Lieut. Col. *Lilburn*; He the said *John White*, absolutely refused to take any further time in that behalf; expressly saying, hee would travell no more in it; We the said Arbitrators, upon due consideration of the whole premises aforesaid, are cleere of opinion; That the said *John White* (as the case hath been, & is represented & appearing before us) had no sufficient ground to write, print, or publish, That the said Lieut. Col. *Lilburn* was the Writer, or Author of the said Bookes, Treatise, and Letter, or any of them: But that the said *John White* in and by his writing, printing, and publishing of his said Book, entituled, *John Whites Defence*, &c. in manner and form as aforesaid hath unjustly scandalized the said L. Col. *John Lilburn*; And therefore, we the said Arbitrators do most unanimously award, That the said *John White* shall before the 10. day of this instant moneth of *October*, make a publike acknowledgment before Col. *Francis West*, Lieutenant of the said Tower of *London*, at his

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the said Lieutenants house in the said Tower, That he the said *John White* hath done the said Lieut. Col. *John Lilburn* wrong, and shal make and pronounce the said acknowledgment, in these words following; That is to say, *I John White, one of the Warders of the Tower of London; Do acknowledge, that I have unjustly wronged Lieutenant Col. I. Lilburn, in, and by my Writing, and publishing in print, in such sort as I did, That he was the Writer, Author, or Contriver of a Book called, Liberty vindicated against Slavery, And of a Printed Letter thereunto annexed; And of a Booke, called, An Alarum to the House of Lords: For all which, and for all the unjust, and scandalous matters and language alleadged, and used by me, in my said Booke, reflecting upon the said Lieutenant Col. Lilburn; I am heartily sorry.*

"We the said Arbitrators doe also award, That after the said *John VWhite* hath so made and pronounced the said acknowledgment before the said Mr. Lieutenant; Hec the said *John White* shal then deliver his said acknowledgment in writing (subscribed by him the said *John VWhite*) into the custody of the said Lieutenant Colonell *John Lilburn*, to be by him kept and disposed of, for his better vindication, against the said scandals laid upon him by the said *John White*, in his the said *John VWhites* said Book.

Lastly, we the said Arbitrators do award, That this our award shall be a finall end of all differences and matters of controversie whatsoever betwixt the said Lieut. Col. *I. Lilburn*, and the said *John White*, to us, or to our award in any wise, submitted by the said parties, from the beginning of the world, unto the day of their said submission to our award; so farre as the same doth, or may concern the said parties, or either of them in their particulars: and that the said parties from henceforth shall continue lovers and friends, without any repetition of former injuries on either part.

"And for the better clearing of the said *John White* in his credit, touching some rumours of couzenage, and perjury by him supposed to be committed, or touching his being forsworn, lately scattered abroad to his discredit; We the said Arbitrators, do unanimously declare; that we have not found any colour, much lesse any just ground to fix upon the said *John VWhite* any suspicion

tion, of, or for the same, or any part thereof; But doe thereof in our opinions, absolutely cleer him. Given under our hands and Seales the 7. day of *Octob.* aforesaid, 1646,

*John Strangwaies.*  
*Lewis Dive,*  
*John Glanvill.*  
*William Morton.*

But the Lieutenant not being willing, for causes best knowne to himself, that the submission or recantation, should be made before, or in his presence; it was done at *Lieut. John Glanvill's* chamber: the Copy of which, thus followeth:

**I** *John White, one of the Warders of the Tower of London, Doe acknowledge, that I have unjustly wronged Lieut. Col. John Lilburn, in, and by my Writing, and publishing in print, in such sort as I did; that he was the Writer, Author, or Contriver, of a Booke called, Liberty vindicated against Slavery; and of a Printed Letter thereunto annexed; and of a Book or Treatise, called, An Alarm to the House of Lords: For all which, and for the unjust, and scandalous matters and language alleadged and used by me, in my said Book, reflecting upon the said Lieut. Col. Lilburn; I am heartily sorry: and in testimony thereof, I have hereunto subscribed my hand, the 8. day of October, 1646.*

Subscribed, pronounced, and accepted, the 9. day of *Octob.* 1646; in the presence of us;

*JOHN WHITE.*

*John Strangwaies,*  
*Lewis Dive,*  
*John Glanvill,*  
*William Morton,*  
*Henry Vaughan.*

Knights.

*Christopher Comport, Warder in the Tower.*

And



And now to conclude at the present ; because there is not any discourse of mine own abroad in Pain (since I was first locked up so close, as I was by the Lords in Newgate) by way of Narrative, to state my case to the world ; I shall, it may bee, informe and silence many mens rash censures ; by inserting first my Wifes late Petition to the House of Commons ; and because by a Gentleman of the Committee to whom my cause was referred, it was judged a Declaration rather then a Petition, and so unfit to be insisted upon any further, after once reading there : although I am not apt to think, if I had been *an* accustomed to write Letters to my Lord *Cottesloe*, when he was at Oxford at that time ; when by Ordinance of Parliament, it was little lesse then death to doe, her Petition, and my cause, would have found more favour from that Gentleman, then they did, whose cavelts necessitated me to send a Petition of my own, to the same Committee, which I shall also insert. But first of all, my wifes Petition thus followeth :

To the Chosen and betruſted Knights,  
Citizens and Burgeſſes, aſſembled in  
the high and ſupream Court of  
P A R L I A M E N T.

*The Humble Petition of ELIZABETH LILBURNE, Wiſe to  
Lien. Col. JOHN LILBURNE, who hath been for above eleven  
Weeks by-paſt, moſt unjuſtly divorced from him, by the Houſe of  
Lords, and their tyrannicall Officers, againſt the Law of GOD, and  
(as ſhe conceives) the law of the Land.*

*Sheweth,*

**T**hat you only and alone are choſen by the *Commons of Eng-  
land* to maintain their Lawes and Liberties, and to do them  
juſtice and right; (a) which you have often before God and  
the World ſworn to do: (b) yea, and in divers of your *De-  
clarations* declared; it is your duty (in regard of the truſt repoſed in  
you) ſo to doe; (c) without any private aimes, perſonall reſpects, or  
paſſions whatſoever: (d) And that you think nothing too good to  
be hazarded in the diſcharge of your conſciences for the obtaining  
of theſe ends: (e) And that you will give up your ſelves to the ut-  
termoſt of your power, and judgement; to maintain truth, and con-  
form your ſelves to the will of God; (f) which is to doe juſtice  
and (g) right, and ſecure the *Perſons, Eſtates, and Liberties* of all  
that joyued with you; (h) imprecating the *judgements of heaven* to  
fall upon you when you decline from theſe ends: (\*) you judging,

471, 473, 522, 590. d Col. declar. p. 484, 490, 750. e Coll. declar. p. 214, 67,  
p. 666. g. lxx. 22, 151, 6, 57. h Col. declar. 686, 673. \* Col. Declar 4

a Coll. of  
decl. pag. 254.  
336, 382, 508,  
613, 705, 711.  
716, 721, 724,  
725, 726, 729.  
730.  
b Coll. decl.  
page 261, 663.  
protestati. n  
and cov. ann.  
c Coll. decl.  
pag. 81, 172,  
262, 266, 267,  
340, 453, 462.  
f Col. decl.

it the greatest *scandall* that can be laid upon you, that you either do or intend to *subvert the Lawes, Liberties, and Freedoms of the people.*

- 3 Col. declar. 264, 281, 494.  
264, 281, 494.  
497. 654, 694, 696.  
k col. declar. 738, 14845.  
l Pag. 660.
- (i) Which *Freedoms, &c.* you your selves call, *The common Birth-right of English-men,* (k) who are born equally free, and to whom the law of the land is an equall inheritance: And therefore you confesse in your Declaration of 23. Octob. 1642. (l) It is your duty to use your best endeavours, that the meanest of the *Commonalty* may enjoy their own *birth-right, freedom and liberty* of the lawes of the land; being equally (as you say) *intiteld thereunto with the greatest subject.* The knowledge of which, as coming from your own mouthes, and Pen, imboldned your *Petitioner*, with confidence, to make her humble address to you, and to put you in mind, that her husband, above 2 moneths agoe, made his formall and legall appeal to you against the injustice and usurpation of the *Lords* acted upon him; which you received, read, committed, and promised him justice in: But as yet no report is made of his busines; nor any relief or actuall justice holden out unto him; although you have since found time to passe the *Compositions* and pardons, for the infranchising of those that your selves have declared *Traytors* and *Enemies* to the *kingdome*: which is no small cause of sorrow to your *Petitioner*, and many others, that her husband, who hath adventured his life, and all that hee had in the World, in your lowest condition for you should; bee so slighted and disregarded by you, as though you had forgot the duty you owe to the *kingdome*, and your many *Oathes, Vowes, and Declarations* (\*\*) which neglect hath hastned the almost utter ruine of of your *Petitioner*, her husband, and small children. For the *Lords* in a most tyrannicall and barbarous manner (being encouraged by your neglect) have since committed her husband, for about three weeks *close prisoner to Newgate*, locked him up in a little room, without the use of pen, ink, or paper (for no other cause, but for refusing to kneele at the Bar of those, that by Law are none of his Judges.) (m) The cruell Jaylors all that time refusing to let your *Petitioner*, or any of his friends, to set their feet over the threshold of his chamber doore, or to come into the prison-yard to speak with him, or to deliver unto his hands, either meat, drink, money, or any other necessities. A most barbarous & illegall cruelty! so much complained of by your selves in your *Petition and Remonstrance to the King*, 1. Decemb. 1641. (n) and detested and abhorred there, by you, as *actions and cruelties be-*
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- \*\* Decl. 460.  
498. 666. 673.
- m Magna charta 29.  
Sir E. Cook. 2. part Instit. fol. 28, 29.  
Rot. 2. Ed. 3.
- n col. declar. 673.

ing more the proper issues of *Turks, Pagans, Tyrants, and men without any knowledge of God, than of those that have the least spark of Christianity, Honour, or justice in their breasts.* And then while they thus tyrannized over your Petitioners husband; they command (as your Petitioner is Informed) *Mr. Sergeant Finch, Mr. Hearne, Mr. Haile, and Mr. Glover,* to draw up a charge against your Petitioners husband, without giving him the least notice in the world of it, to sit himself against the day of his tryall: but contrary to all law, justice, and Conscience, dealt worse with him, then ever the *Star-Chamber* did; not only in keeping his Lawyers from him, but even all manner of *Councillors and Friends* whatsoever, even at that time when they were about to try him: and then of a sudden send a Warrant for him to come to their Bar (who had no legall authority over him) to hear his charge read: where he found the Earle of *Manchester* his professed enemy, and the onely party (of a Lord) concerned in the business; to bee his chiefe Judge, contrary to that just Maxime of law, *That no man ought to be both party and judge;* a practice which the unjust *Star-chamber* it selfe, in the dayes of its tyranny, did blush at, and refuse to practice, as was often seen in the Lord *Coventries case*, &c.) And without any regard to the Earle of *Manchesters* imment (in your House) of treachery to his Countrey, by *Lieu. Gen. Cromwel*, which is commoely reported to bee punctually and fully proved, and a charge of a higher nature then the Earle of *Straffords*, for which he lost his head: And which also, renders him, so long as he stands so impeached; incapable in any sense, of being a Judge. And a great wrong and injustice it is unto the *kingdome* to permit him; and to himselfe, if innocent; not to have had a legall triall ere this, to his justification or condemnation. And besides all this, because your *Petitioners husband* stood to his apeale, to your *Honours*, and would not betray *Englands liberties*; which you have, all of you, sworn to preserve, maintain, and defend: they most arbitrarily, illegally, and tyrannically, sentenced your Petitioners said husband to pay 4000*l.* to the King (not to the State) for ever to be incapable to beare any Office in Church or Common-Wealth, either *Martiall or Civill*, and to lie seven yeares a prisoner in the extraordinary chargeable prison of the *Tower*; where he is in many particulars illegally, dealt withall, as he was, when he was in *Newgate*.

Now forasmuch as the *Lords* as they claime themselves to bee a

House of Peeres have no legall judgement about Commoners; that your Petitioner can heare of, but what is expressed in the Statute of the 14. Ed. 3. 5. which are, *delayer of justice, or error in judgement in inferior Courts* onely, and that with such limitations and qualifications, as are there expressed; which are, that there shall be *one Bishop* at least in the judgement, and an expresse *Comission from the King*, for their meddling with it. All which was waiving in the case of your Petitioners husband, being begun and ended by themselves alone. And also seeing that by the 29 of *Magna Charta*, your Petitioners husband, or any other Commoner whatsoever, in criminall cases, are not to be tried otherwise then by their Peeres: which *Sir Ed. Cook*, in his exposition of *Magna Charta*, (which book is printed by your owne speciall authority) saith, is meant [equals] fol. 28. in which, (saith he, fol. 29.) are comprised, *Knights, Esquires, Gentlemen, Citizens, Yeomen, and Burgeses* of severall degrees; but no *Lords*. And in p. 46. he saith: *No man shall be disseised* that is, put out of seison, or dispossessed of his freehold; that is, (saith he) *lands, or livelihood, or of his liberties or free customes*, that is, of such franchises and freedoms, and free customes as belong to him by his free *Birth-right*, unlessse it be by the *lawful judgement* (that is, verdict of his *Equals*; that is (saith he) of men of his own condition: for by the law of the land; that is (to speak it once for all) *By the due course and preceesse of law*. And, saith he, No man shall be in any sort destroyed, unlessse it be by the verdict and judgment of his Peeres that is, *Equals*, or by the law of the land. And the *Lords* themselves in old time, did truly confesse: That for them to give judgement of a Commoner in a criminall case, is contrary to law; as is clear by the Parliaments record in the case of *Sir Simon de Beresford* 4. Ed. 3. *Rer. 2.* the copy of which is now in the hands of Mr. H. Martin. & they there record is, That his case who was condemned by them for murdering King *Edw. 2.* shall not bee drawne in future time into president, because it was contrary to law, they being not his Peeres, that is, his *Equals*. And forasmuch as the manner of the proceedings was contrary to all the former wayes of the law puttlicly established by Parliament in this kingdom, as appears by severall *Statutes* (o) which expressly say, That none shall be imprisoned, nor put out of his freehold, nor of his franchises, nor free customes, unlessse it be by the law of the land. And that none shall bee taken by Petition, or suggestion made

o 5. Ed. 3. 5.  
25. Ed. 3. 4.  
28. E. 3. 37.  
Ed. 3. 8. 38. Ed.  
3. 9. 45. Ed. 3. 5.  
17. Ric. 6.  
Rot. parli. 43.  
E. 3. Sir Io: A-  
kes case, Num.  
21, 22, 23, &c.  
hb. 10. fol. 74.  
in case delar,  
marthalses, see  
Cook, 2 part  
init. fol. 46.

"mate 'to the King, or to his Conncell, unless it bee by indictment, or presentment of good and lawfull people of the same neighbourhood where such deeds be done, in due manner, or by proccesse made, or by Writ original at the common-law. Which Statutes are nominally and exprelly confirmed by the *Petition of Right*, by the *All made this present Parliament for the abolishing the Star-chamber*; and thereby, all acts repealed that formerly were made in derogation of them). But contrary hereunto, the Lords (like those wicked *Justices* spoken of by Sir *Ed Cook* (p) in stead of trying her husband by the law of the land; proceed against him by a partiall tryall, shewing from their arbitrary will, pleasure, and discretion, &c. (\*) For though they summoned him up to their *Barre*, *June 10. 1646.* to answer a *Charge*; yet they refused to shew it him, or give him a Copy of it, but committed him to *Newgate*, *June 11. 1646.* (although he behaved himselfe then with respect towards them both in word and gesture), meerly for refusing to answer to their *Spanish Inquisition-like Interrogatories*, and for delivering his legal Protestation. Their *Mistissus* being as illegall as their summoning of him, and their own proceedings with him. Their commitment running, *To be kept there*: not till hee be delivered by due course of Law; but, *During their pleasure*: which Sir *Edward Cook* saith, is illegall, (q) and then locked up close, that so hee might bee in an impossibility to understand how they intended to proceed against him.

Wherefore your Petitioner humbly prayeth, to grant unto her husband the benefit of the law, and to admit him to your Bar himself, to plead his own cause, if you be not satisfied in the manner of his proceedings, or else according to law, justice, and that duty & obligation that lieth upon you, forthwith to release him from his unjust imprisonment: and to restrain & prohibit the illegal & arbitrary proceedings of the Lords, according to that sufficient power entrusted upon you, for the enabling you faithfully to discharge the trust reposed in you, & to vacuate this his illegal sentence and fine, and to give him just and honourable reparations from the Lords, & all those that have unjustly executed their unjust Commands: It being a Rule in law, and a *Maxime* made use of by your selves in your Declaration 2. Novemb. 1642. (r) That the Kings illegal commands, though accompanied with his presence, doe not excuse those that obey them; much lesse the Lords

s. See Cook.  
2. part. Instit.  
fol. 187.

# 3.E.33.2.R.  
25.37.E.3.18.  
38.E.3.9.  
12.R.2.11;  
17.R.2.6.  
22.p. & M.3.  
1 El.6.  
9.H.3.29.  
2.E.3.8.  
5.E.3.9.14.E.3.  
14.El.E.2.10.

w col. declar.  
127, 174, 244,  
253, 282, 284,  
285, 312, 313,  
321, 322, 467,  
490, 514, 516,  
520, 521, 532,  
533, 534, 535,  
537, 539,  
541, 543, 555,  
560.

Lords, with which the law accordeath, and so was resolved by the Judges, 16. Hen. 6. (r) And that you will legally and judicially, examine the crimes of the *Earle of Manchester*, and Col. *King*, which the Petitioners husband, and others, have so often complained to you of, and doe *exemplary justice* upon them, according to their deserts: or else, according to *law and justice*, punish those (if any) that have falsly complained of them. (r) And that you would, without further delay, give us reliefe by doing us justice. (v) All which, she the rather earnestly desireth, because his imprisonment in the Tower is extraordinary chargeable and insupportable: although, by right, and the custom of that place; his *fees, chamber, and diet*, ought to be allowed him; and paid out of the *Treasure of the Crown*) he having wasted & spent himself with almost *six years attendance*, and expectation upon your Honours for justice and reparations against his barbarous Sentence, &c. of the *Star-chamber*, to his extraordinary charge and damage, and yet never received a peny; and also lost divers *hundred pounds*, the year he was a prisoner in *Oxford Castle*, for you. Neither can he receive his *Arrears*, for (the price of his blood) his faithfull service with the *Earle of Manchester*, although he spent with him much of his own money. And the last year, by the unadvised means of some *Members* of this *Honorable House*, was committed prisoner for above 3. moneths, to his extraordinary charges and expences: And yet in conclusion he was releast, and to this day knoweth not wherefore he was imprisoned. For which, according to *law and justice*, he ought to receive reparations; but yet he never had a peny. All which particulars considered, doe render the condition of your *Petitioner*, her husband and children, to be very nigh ruine and destruction, unlesse your *speedy and long-expoiled justice* prevent the same. Which your *Petitioner* doth earnestly intreat at your hands, as her right, and that which in equity, honour, and conscience, cannot be denied her. (w)

And as in duty bound, she shall ever pray, that your hearts may be kept upright, and thereby enabled timely and faithfully to discharge the duty you owe to the kingdom, according to the Great Trust reposed in you: And so free your selves from giving cause to bee judged men that seeke your selves more, then the publick good.





*To the Honourable, the chosen, betruſted, and  
representative Body of all the Free-men  
of England, in PARLIAMENT  
aſſembled.*

*The humble Petition of Lieut. Col. John Lilburn, a legall Free-man  
of England; though now unjuſtly imprifoned by the Lords, in the ex-  
traordinary chargeable Priſon of the Tower of London.*

SHewETH, THAT

**W**Hereas the Petitioner is a legall and free-born *Engliſh-man*,  
and ought by the fundamentall lawes of this Land, to enjoy  
the benefit of all the lawes, liberties, priviledges, and immunities of  
a free-born man, and a Commoner of *England*; and whereas by the  
Lawes and Statutes of this Realm; no free-man may be taken & im-  
prifoned, but by lawfull judgment of his equals, who are men of his  
own condition, and the Law of the Land: and by the Law of the  
ſame, no man ought to be imprifoned, before he be taken upon in-  
dictment, or preſentment, by good men of the ſame neighbour-hood,  
or by due proceſſe of Law. And whereas, every man that is taken or  
imprifoned by the common Lawes of the Land, ought to be bayled: :  
But he that is taken and convicted for Murder or Felony, or for ſome  
other offence for which a man ought to loſe life or member. And by  
the Statutes of this Realm, every man is baylable; unleſſe he be ta-  
ken for Treason, Murder, Felony, or ſome particular caſe excepted;  
whereof the Petitioner is no wayes guilty. But your Petitioner ſhew-  
eth, that he being taken and imprifoned above 4 Moneths, by colour  
of unjuſt orders, and an illegall ſentence of the Lords, pronounced a-  
gainſt him in their houſe (although they have no legall juřiſdiction  
over him) for ſuppoſed contempts and ſcandals committed againſt  
them,

them, which was nothing else then a defence of his own liberty, and of all the free-men of *England*, in a plea and defence put into the said house, which contained an Appeal to your Honours, against their unjust proceedings: for which supposed contempts, he is by their unjust sentence committed to the Tower, there to remain for the space of 7. years, and disabled to bear any office, either Military or Civill, and to pay 4000*l.* Fine: All which proceedings of their Lordships, the Petitioner doth protest against as unjust, illegal, and destructive to the liberties, immunities, and priviledges of all the Commons of *England*; which he doubts not to free himself, and all other free-born *English-men*, of, by the Justice of this honourable House (to whom he hath formerly, and now also doth Appeale) and by the assistance of the Lawes of this Land.

Therefore, your Petitioner doth most humbly pray, that he may be enlarged, at least upon bayle, being by Law liable to follow and prosecute his cause depending before you, and redemption from the said illegal sentence, and to obtain just and legal reparations from the inflictors and executors thereof.

*And he shall pray, &c.*

JOHN LILBURN.

**C**ourteous Reader, by reason I am prohibited to have Pen, Ink, and Paper; I am forced now to write a peece, and then a peece, and scarce have time and opportunity seriously to peruse and correct what I write; and in regard I cannot be at the Presse, either to correct, or revise my own lines (which besides is attended with many difficulties and hazards,) I must intreat thee, as thou readest, to attend with thy Pen, what in sense or quotations may be wanting, or false; & I shall rest thy true and faithful Countrey-man, ready to spend my blood for the fundamentall Lawes and Liberties of *England*, against any power what-ever that would destroy them,

JOHN LILBURN.

*From my prerogative, and illegal  
imprisonment in the Tower of  
London, this present Octob.  
1646.*

FINIS.